

Licence Committee - minutes

Centre 0006 (The Lister Fertility Clinic) Investigation into Media Allegations

Thursday, 9 November 2017

HFEA, 10 Spring Gardens, London, SW1A 2BU

Committee members	Andy Greenfield (Chair) Ruth Wilde Kate Brian Anita Bharucha	
Members of the Executive	Dee Knoyle	Secretary
Legal Adviser	Graham Miles	Blake Morgan LLP
Specialist Adviser		
Observers		

Declarations of interest:

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

The committee had before it:

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

The following papers were considered by the committee:

- Executive summary
 - Annex A – Person Responsible’s response to the Chair of the Executive Licensing Panel of 25 August 2017
- Executive Licensing Panel Minutes – 25 August 2017
- Executive Licensing Panel Meeting Papers - originally considered – 25 August 2017
 - Report of an investigation into media allegations – Meeting held on 26 May 2017 at The Lister Fertility Clinic
 - The Lister Fertility Clinic response to the Daily Mail Report
 - Executive Licensing Panel Minutes – Interim - 15 January 2016
 - Interim Inspection Report - 15 January 2016
 - Executive Licensing Panel Minutes – Renewal - 13 December 2013

1. Background

- 1.1. The Lister Fertility Clinic, centre 0006, has held a licence with the HFEA since 1992. The centre is located within the Lister Hospital in central London and provides a full range of fertility services including embryo testing.
- 1.2. The HFEA inspectorate had reported that the Daily Mail newspaper published a report into the practices of some fertility clinics on 2 May 2017, suggesting that fertility clinics, including centre 0006, are profiting unreasonably from patients desperate to have a child who cannot afford the costs of treatment. There were several articles relating to, for example, the use of add-on treatments, medication pricing, egg freezing, egg sharing and the incentives offered to patients in this process. The newspaper made allegations about centre 0006 relating to egg freezing.
- 1.3. The HFEA inspectorate visited centre 0006 and met with staff on 26 May 2017 to investigate whether there was a breach of the Human Fertilisation & Embryology Act 1990 (as amended). The Person Responsible (PR) was not available at the time of the visit due to personal circumstances, however, a report of the investigation (which focused on the statistics quoted for success rates following egg freezing and information provided to patients) with recommendations was completed and he was invited to respond to it.
- 1.4. The Executive Licensing Panel considered the HFEA investigation report with recommendations and the PR's response at its meeting held on 25 August 2017. The Executive Licensing Panel noted the centre's thorough and detailed response to the report, within which, the PR did not appear to accept the recommendations and therefore agreed to refer the matter to the Licence Committee for consideration of the inspectorate's recommendations and the suggestions made by the PR in his response.

2. Consideration

- 2.1. The committee noted that the Executive Licensing Panel had referred the HFEA investigation report into the Daily Mail allegations for its consideration of the recommendations made within it and consideration of the PR's response and suggestions.
- 2.2. The committee noted that the referral had been made as it appeared that the PR did not accept the recommendations made within the investigation report. Since the referral, the PR has responded to the Chair of the Executive Licensing Panel that sat on 25 August 2017 to clarify that, although some of the findings and conclusions in the report were questioned, the centre accepts the recommendations.
- 2.3. The committee noted that the Daily Mail allegations had called into question whether certain information provided by centre 0006 was supported by statistically reliable evidence. However, the committee acknowledged that assisted reproductive technology is performed worldwide and that data on success rates on the use of frozen eggs, from outside the United Kingdom (UK), were used by the centre in the absence of up to date information in the UK.

3. Decision

- 3.1.** The committee agreed that the allegations made by The Daily Mail in relation to centre 0006 in its report on the practices of fertility clinics, which was published on 2 May 2017, have been comprehensively refuted. Having considered the very detailed response from the PR, which was not available at the time that the investigation report was prepared, the committee is satisfied that centre 0006 has been exonerated by that response.
- 3.2.** The committee agreed that there was no evidence of non-compliance in relation to egg freezing and that there is no need to change the inspection cycle or to follow up the recommendations made by the inspectorate in the investigation report. However, the committee welcomed the PR's commitment to continue using best practice as outlined in the recommendations.
- 3.3.** The committee endorsed the centre's suggestion of establishing a 'task force' group to examine the issue of egg freezing at large, and to look to establish new methods for data collection to provide robust statistics in this area, because this would be of benefit to patients seeking accurate and current scientific evidence. The committee noted that the HFEA Chief Inspector will explore this further with a view to taking it forward.

4. Chair's signature

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

Signature



Name

Andy Greenfield

Date

23 November 2017

Executive Summary for Licence Committee 9 November 2017
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Centre Number	0006
Centre Name	The Lister Fertility Clinic
Person Responsible	Mr Hossam Ibrahim Abdalla

Executive Summary – investigation into media allegations

Background

1. On 2 May 2017, the Daily Mail newspaper published a report into the practices of some fertility clinics. There were several articles relating to, for example, the use of add-on treatments, medication pricing, egg freezing, egg sharing and the incentives offered to patients in this process.
2. The article suggests the fertility sector (or those parts subject to the investigation) is ‘cashing in’ on women desperate to have a child, on patients who cannot afford the costs of treatment, and that clinics are profiting unreasonably from patients.
3. The Lister Fertility Clinic was featured in this press report, with allegations relating to egg freezing.
4. On 26 May 2017, an inspection team met staff at centre 0006 to discuss the allegations, and to review the centre’s practices and procedures relating to egg freezing; to investigate whether there was a breach of the Human Fertilisation & Embryology Act 1990 (as amended).
5. The Person Responsible (PR) was invited to respond to the report of the findings of this visit. The report and the PR’s response were submitted to a meeting of the Executive Licensing Panel (ELP) on 25 August 2017.
6. The ELP noted the centre’s thorough and detailed response to the allegations, within which the PR did not accept the recommendations made in the report. The panel agreed to refer this case to the Licence Committee, for consideration of the inspectorate’s recommendations and the suggestions made by the centre within its response.

Executive consideration of PR’s response to the report

The executive has now had the opportunity to consider the PR’s response to the inspection report in detail. In summary, our conclusions are:

7. The PR’s response is comprehensive and clear. It addresses each of the issues of concern raised in the original inspection report in detail. The executive notes that the PR was unable to be present at the inspection (due to understandable personal reasons). The PR did make arrangements to

speak to the inspectors via telephone, but the executive did not consider this was appropriate whilst he was on leave. It is perhaps significant to note that if circumstances had been different, a clearer understanding of the centre's processes could have been achieved at an earlier stage.

8. Best practice guidance in the area of egg freezing for social reasons is minimal and the presentation of reliable data in this area is complex. In response to the PR's conclusion, we acknowledge the limitations of the egg freezing data currently published on the HFEA website and we therefore encourage (careful) use of centres' own data.
9. Our concern is with ensuring that prospective patients are presented with reliable data to enable them to make an informed decision. The explanations provided by the PR in response to the report reassure us that the centre's procedures ensure that this happens.
10. As a result, the recommendations made in the initial investigation report now have limited relevance. In addition, as noted in an email from the PR to the Chair of the ELP (annex A), the centre is currently reviewing its practices to ensure that information in all formats is given to patients in as clear a way as possible. As such, we note the PR's historic and continued commitment to compliance with regulatory requirements and positive engagement with the HFEA.
11. Additionally, we acknowledge the suggestion of establishing a 'task force' group to examine the issue of egg freezing at large, and to look to establish new methods for data collection to provide robust statistics in this area. We believe this would be of benefit to patients seeking accurate and current scientific evidence. The Chief Inspector will look into this with a view to taking it forward for discuss in detail with the newly appointed Head of Intelligence at the HFEA.
12. Licence Committee is asked to consider the inspection report, the PR's response and this summary and to note that the executive considers no further action is required.

Grace Lyndon
HFEA Inspector

Annex A: Response from PR to Chair of ELP following publication of ELP minutes 25 August 2017

Dear Ms Hannah

Thank you very much for the Minutes of the Executive Licensing Panel from 25 August 2017. I note you mentioned in the Minutes that the Person Responsible did not accept the recommendations in HFEA's "Report of an investigation into medial allegations: The Lister Fertility Clinic, Centre 0006". My apologies if our response was not clear on this point. Although we did question some of the findings and the conclusions of the report, may I please clarify that we do fully accept the recommendations in the report. I have detailed the recommendations and our response below, and respectfully request that this is taken into consideration as the matter is referred to the Licence Committee.

It is customary within inspection reports to offer a table of recommendations and actions required where the PR is given the direct opportunity and space to respond. This was not the case on this occasion in our inspectorate report and may explain the oversight.

- Review its (our) practices, with attention to marketing and provision of information to prospective patients wishing to egg freeze and giving the potential patients accurate and relative statistical information.
 - *We are reviewing our provision of marketing literature. In line with the recommendations, the Clinic will ensure we continue to provide accurate and relevant statistical information. Taking the recommendations into account we will ensure sources in our literature are referenced. As detailed in our response, we provide our data, HFEA's data, and worldwide information and statistics, and believe this provides patients with accurate and relative statistical information.*
- Review the verbal information given to patients to ensure it is like for like, up to date, relevant and complies with Code of Practice guidance.
 - *We are reviewing what information we give to potential patients at open day sessions to ensure it is consistent. We will ensure that we continue to impress upon people attending the evenings that individual circumstances are a significant factor in their fertility and that individual and tailored assessments would need to take place in relation to each patient. We provide like for like and up to date information to our patients, ensuring our patient hand-outs are clear, informative and comply with the Code of Practice. We have reviewed and confirmed that all verbal information provided to patients is up to date, and is compliant with the Code of Practice guidance.*
- Ensure any prospective patients receive information that this is clear and additional literature is available for all intended patients to review at their leisure.
 - *We are in total support of the above. In line with our current practice of review and continuous improvement, we ensure that all patient literature is clear and available through a number of media. This includes our website, hand-outs and literature which is available at events and consultations. The hand-outs given to egg freezing patients were downloaded from the HFEA website. Following patient feedback and experience, we usually direct patients to the website where further information is available so they can review at any time, and we maintain the website in line with our review processes.*

However, we will be considering the development of a leaflet for prospective patients attending the information evening. We will also review the website again in light of the comments set out in the Minutes of the ELP meeting.

- Ensure any information based upon statistics are clear and are appropriate to practice and information given to prospective patients is clear and not misleading. This applies to presentations and any other patient information currently used for prospective patients.
 - *We agree that this is of upmost importance and support this recommendation. We provide prospective and current patients with HFEA data, scientific published data and our own statistics. To further this, we will ensure that sources of the data are clearly referenced on our website and that they carry the appropriate context and caveats. We are fortunate that because of the nature of the activity and our tenure, we are able to provide patients with this level of detailed information. As part of our commitment to our patients, we will continue to review and build on this information to support fully informed decisions.*

We therefore respectfully request that the ELP include this response in the referral to the Licence Committee and apologise for the lack of clarity regarding our acceptance of the recommendations. Should you wish to discuss further, we would be more than happy to meet at a time that is convenient for you.

Please do not hesitate to contact me if you have any additional queries.

Yours Sincerely,

Sam Abdalla
PR and Clinical Director
Lister Fertility Clinic