

Authority Paper



Committee:	Authority
Meeting Date:	25 July 2007
Agenda Item:	2
Paper Number:	HFEA (09/05/07) 383
Paper Title:	Minutes of the non-confidential Authority meeting held on 9 May 2007
Author:	Committee Secretary
For Information or Decision?	Decision
Resource Implications:	None
Recommendation to the Committee:	The Authority is asked to confirm the minutes as a true and accurate record of the meeting

HUMAN FERTILISATION & EMBRYOLOGY AUTHORITY MINUTES OF THE NON-CONFIDENTIAL AUTHORITY MEETING (NON-CONFIDENTIAL - PART 2)

The meeting was quorate with 9 lay members and 7 professional members attending.

PRESENT

Shirley Harrison
(Chair)
David Archard
Chris Barratt
Clare Brown
Anna Carragher
Sally Cheshire
Rebekah Dundas
Ruth Fasht
Neva Haites
Lord Harries

Jennifer Hunt
Emily Jackson
Maybeth Jamieson
Bill Ledger
Roger Neuberg
Susan Price

APOLOGIES

Walter Merricks
Hossam Abdalla
Sharmila Nebhrajani

IN ATTENDANCE

Angela McNab
Tim Whitaker
Sally Townsend
John Paul Maytum
Claudia Lally

Charles Lister
Frances Clift
Sarah Marsh
Trish Davies
David Tellis

Joyce Chia
Sharon Neaves
Sarah Hopper
Debra Bloor

OBSERVERS

Ted Webb - Department of Health

Item 1. Apologies, Welcome & Conflicts of Interest **Action**

1.0 Apologies were received from:

Sharmila Nebhrajani
Walter Merricks
Sam Abdalla

1.1 There were no conflicts of interest declared

Item 2. Minutes of the meeting held on HFEA (28/03/07) 369

2.0 The minutes were agreed as an accurate record of the 28 March 2007 meeting.

Item 3 Matters Arising & Previous Actions HFEA (28/03/07) 370

3.0 10/01/07 15:9.5 - Ted Webb, Department of Health, stated that once a patient's gametes have been in storage for 5 years they are written a letter asking whether they would like them to be stored for a further 5 years.

Item 4. Chair's Report (verbal)

4.0 Israeli Visit

The Chair reported to the Authority that she had met with Israeli delegates who were in the process of reviewing current legislation within the field of assisted reproduction. She thanked other Authority Members who had attended the meeting.

4.1 Joint Authorities RATE Members Group

The Joint Authorities RATE Members Group had met for the first time. The Chair found the meeting very informative and the next meeting will be held in June or July.

4.2 Meeting with Minister Caroline Flint

The Chair informed the Authority that she and the Chief Executive had met with the Minister, Caroline Flint and a number of issues had been discussed.

4.3 Terms of Reference

The Chair directed the Authority to the tabled paper reviewing the terms of reference for all the HFEA Committees. The paper incorporates suggestions from members, and also from each Committee Chair following an exercise to establish how to improve the Committee Structure. Authority members were requested to comment generally on the Committees and to send details of changes to Sally Townsend, Director of Resources and Corporate Development, by e-mail. The terms of reference were approved and it was proposed that the final versions be circulated electronically to the Authority.

4.4 Discussion

Authority members were not content with the proposed names for some of the new Committees. The Chair requested any comments be given to the Executive in the next 2 weeks.

4.5 Audit Committee

The Authority agreed to appoint Alison Bexfield as a co-opted member of the Audit Committee for a further 1 year term.

Item 5. Chief Executive's Report (verbal)

5.0 Hybrids Consultation

The Chief Executive updated the Authority that there had been 50 responses to the Hybrids Consultation in the first two weeks since the launch.

5.1 JR Proceedings

The Chief Executive stated that Judicial Review proceedings had been commenced against the Authority relating to the obtaining and execution of warrants at two London clinics, the ARGC and the RGI. In order to proceed to a full hearing in a claim for Judicial Review, permission has to be granted by the court. The Administrative Court considered the permission application on 22 -26 March 2007. The claim was initially brought on four grounds. One of those grounds relating to the manner of execution of the warrants was abandoned at the permission hearing. The court refused to grant permission to proceed with a claim that the

Authority had acted for an improper purpose in obtaining and executing the warrants. Permission to proceed to a hearing was granted in relation to the remaining 2 out of 4 claims

1. that the Authority had acted disproportionately and
2. that there had not been disclosure of all relevant material in obtaining the warrant.

5.2

Permission was refused to proceed with claims for relief other than the quashing of the warrant. The remaining claims will be considered at a hearing which has been fixed for 4 to 6 July 2007.

5.3

Licence Committee proceedings relating to the ARGC and RGI are ongoing. It is anticipated that a determination will be made by the Licence Committee before the end of June.

5.4

As the JR and Licence Committee proceedings are both ongoing, this report is limited to an update of the current position.

Item 6. Regulation, Finance and HR Report

HFEA (09/05/07) 371

6.0

Regulation

Trish Davies, Deputy Chief Executive and Director of Regulation, informed the Committee that the March Regulation Report shows the inspection programme for the full business year. In addition to 103 statutory inspections there have been 40 inspections carried out during the year. These were for a variety of reasons, including to follow up Licence Committee decisions; for enforcement and changes to premises, as many clinics are moving to upgraded facilities ahead of implementation of the EUTCD. Report production has improved since last year with 90% of reports produced within the 28 day target.

6.1

Ms Davies continued that there has been a drop in import applications as deadline for imports has now passed (28 February 2007).

6.2

Alert 22 regarding witnessing protocols has now been published and graph 4a) will be updated to show Grade 'C' incidents from next month.

Finance

- 6.3 Sally Townsend, Director of Resources and Corporate Development, introduced this report.
- 6.4 The Authority heard that the report covers the February management accounts. The income and costs have been reviewed and a number of virements have been calculated. Overall these adjustments result in the HFEA showing a surplus for the financial year. Approval has been given in principle by the Department of Health to retain this amount subject to providing details of committed costs.
- 6.5 The Authority was informed that the figures for the March management accounts had just been completed at the date of the meeting, and the full-year figures include a surplus of £37K. The reduction in the surplus related to year end adjustments concerning the disposal of fixed assets and a tax liability. The National Audit Office had commenced their audit to confirm the annual accounts.

HR

- 6.6 Sally Townsend, Director of Resources and Corporate Development, introduced this report.
- 6.7 The Authority was informed that the HFEA headcount has now hit the agreed ALB target of 83 and staff turnover is very low. Sickness rates also remain low.
- 6.8 The HR Report includes details of the achievements in HR during the year, highlights of which include -
- the HFEA providing a full HR service to the Human Tissue Authority
 - commencing some HR work towards the Regulatory Authority for Tissue and Embryos (RATE)
 - Equality and Diversity training rolled-out to all staff and a number of Authority members

Item 7. **'Find a Clinic' 2004 Calendar year data (presentation)**

- 7.0 Angela McNab, the Chief Executive introduced this report.
- 7.1 The Authority was informed that there have been some changes to the new HFEA 'Patients Guide'. The name

Patients Guide now refers only to the published magazine and the web version is named the Interactive Find a Clinic Directory

7.2 Success rates are just one of the many factors to aid patients in choosing an appropriate clinic and are not intended to be used as a league table. Success rates are only a guide to performance and do not guarantee success. This will be clearly stated to patients.

7.3 David Tellis, Director of Information Management gave a short presentation on the 'Find a Clinic' Data, comparing the national statistics for the 2004 period to the previously reported period of 2003/4.

7.4 The Chair informed the Authority that they can access the new web version of the Guide from 2pm on the 9 May 2007.

Discussion

7.5 Authority members congratulated the HFEA on the new Guide and stated that patients would welcome the more current data.

7.6 A member stated that at Infertility Network UK, there had been an increase in enquiries from older patients and the new information focussing on the older age bracket would be welcomed by these patients.

7.7 Members requested further information on:

- Geographical breakdown of figures; England, Wales, Scotland and Northern Ireland
- The reasons behind cancelled cycles - Trish Davies pointed out that this data is investigated through inspection and information could be found in the inspection report

7.8 A member asked whether it was possible to publish accurate cumulative success rates for fresh and subsequent frozen cycles. David Tellis informed the member that this will be possible in future once the HFEAID is introduced (linking all records for a patient within the Register together) and the new forms (linking thaw cycles to the fresh collection and storage) are implemented.

7.9 The Chair asked whether patients are being actively encouraged to explore the website and give any feedback to the HFEA and was informed that they are.

**Item 8. Report on 'opening the register' requests
HFEA (09/05/07) 372**

8.0 David Tellis, Director of Information Management, introduced this paper.

8.1 The Authority heard that 171 requests for information from the register were received in 2006 and feedback on this service had been very positive. There had been 10 requests so far in 2007.

8.2 Requests for information from the Register that came to the HFEA related to pre-act treatments are passed on to UK Donor Link who have a voluntary register that patients can sign up to. An upsurge of requests is possible from donor conceived individuals reaching the age of 18.

8.3 Members asked about whether the HFEA publicises the service and whether there is adequate staffing for increased number of requests.

8.4 Mr Tellis explained that the Quality Assurance Team will be assisting in answering these requests.

8.5 The Authority also heard that an internal review of the 'Opening the Register' policy and a half day workshop will be undertaken by the HFEA soon.

8.6 An Authority member suggested that information about how members of the public found out about the Opening The Register service should be taken when they contact the HFEA.

**Item 9. Import/transfer under EUTCD - new procedures
HFEA (09/05/07) 373**

9.0 Charles Lister, Head of Policy, introduced this report.

9.1 The Authority heard that the amendments to the 1990 Act have required significant changes to current policy on imports and exports within Gibraltar and the European Economic Area (EEA), specifically the movement of gametes and embryos between EEA countries which will be treated as transfers. These requirements (page 5 para 1.1.1 a) - e)) have been considered by the Regulation Committee and the guidance will be incorporated into the new Code of Practice which will be

published at the beginning of June.

Discussion

- 9.2 An Authority member asked how many EEA countries meet the criteria of the UK and was informed that it was limited but the HFEA do not know the exact number. It is known that there are issues with compensation and with donor anonymity in the EEA. Trish Davies, Deputy Chief Executive and Director of Regulation, discussed encouraging clinics to collect the same quality data about donors and that patients could put pressure on clinics to provide this information. **TD**
- 9.3 The Authority asked if oncology patients bringing their own gametes after cancer treatment fall into these same guidelines. The Executive agreed to look into this in more detail. **CL**
- 9.4 A member requested that any changes are communicated to patients at the earliest opportunity.
- 9.5 The Authority noted the new procedures with the additional comments above. There was an amendment to page 1, para 3 of the report. The new guidance will be published at the beginning of June.

**Item 10. Interim Update on Hybrids Consultation
HFEA (09/05/07) 374**

- 10.0 Charles Lister, Head of Policy, introduced this report.
- 10.1 The Authority was informed that nearly 2,000 people have visited the website to look for information about the consultation and so far 85 people have completed the online questionnaire, which is a very positive response. In addition to the consultation there are:
- 10.2 Deliberative Groups to explore and understand public perceptions to hybrid and chimera research. Twelve focus groups of 8 people including representatives from Scotland, Wales, Ireland and England who have been recruited from the street to take part in groups. An all-day reconvened event will be held on 7 June for around 50 of this original group. This will provide an opportunity for participants to hear from experts representing all sides of the debate. At the end of the process, more will be understood about informed public opinion and how this is shaped.

- 10.3 A public Meeting will be held on the evening of 26 June for both members of the public and stakeholders. The event will be chaired by Nick Ross.
- 10.4 A public Opinion Poll targeting 2,000 residents of Great Britain along with 60 residents of Northern Ireland.
- 10.5 The Authority heard that the HFEA has been awarded a grant of £60K from Sciencewise to contribute to the funding of this deliberative work. The results of the consultation will be put before members at the 5 September 2007 Authority meeting.
- 10.6 Authority members requested the dates of all hybrid events and noted the report. **CL**

**Item 11. Select Committee Report on Regulation of Hybrids and Chimera Embryos
HFEA (09/05/07) 375**

- 11.0 Charles Lister, Head of Policy, introduced this report.
- 11.1 The Authority heard that the Science & Technology Select Committee's report on 'Government Proposals for the Regulation of Hybrid and Chimera Embryos' was published on 5 April 2007.
- 11.2 The report is openly critical of proposals for the regulation of this research in the Government's White Paper but the contribution of the Authority is recognised in the report.

Discussion
- 11.3 A member raised the issue of page 4, para 16 and whether the HFEA should have responded to the Select Committee sooner.
- 11.4 The Authority was informed that this issue will be addressed in its contribution to the DH response to the Select Committee. **CL**

Any Other Business

- T1 Budget Changes (tabled paper)
- T2 The Authority was informed that the budget changes have already been discussed by the Executive, the Chair of Organisation & Finance Committee and the Chair of Audit Committee.

T3 The Authority formally approved the budget changes highlighted in the tabled paper.

Date of Next Meeting

The next Authority meeting will be held on 13 June 2007.

I confirm this to be a true and accurate record of the meeting

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Chair

Date