

Citizen Participation and Public Petitions Committee
Wednesday 1 May 2024
7 Meeting, 2024 (Session 6)

PE2020: Provide fertility treatment to single women

Introduction

Petitioner Anne-Marie Morrison

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to provide the same fertility treatment to single women, as is offered to couples on the NHS for the chance to have a family.

Webpage <https://petitions.parliament.scot/petitions/PE2020>

1. [The Committee last considered this petition at its meeting on 28 June 2023](#). At that meeting, the Committee agreed to write to the Fertility Network Scotland, the British Fertility Society, Fertility Scotland and the National Fertility Group.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Scottish Government, National Fertility Group, and the Petitioner which are set out in **Annexe C**.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage](#).
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial response to the petition on 18 May 2023](#).
7. Every petition collects signatures while it remains under consideration. At the time of writing, 179 signatures have been received on this petition.

Action

8. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
April 2024

Annexe A: Summary of petition

PE2020: Provide fertility treatment to single women

Petitioner

Anne-Marie Morrison

Date Lodged

23 March 2023

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to provide the same fertility treatment to single women, as is offered to couples on the NHS for the chance to have a family.

Previous action

I have contacted MSPs; MPs; the NHS; private doctors; private sperm banks; newspapers; radio stations; and local authorities.

Background information

I am a single 36 year old woman. I have been trying to fight this cause for a number of years at the detriment of my own age and fertility abilities. I'm hopeful to be a mother and know thousands in my position who cannot safely find a donor. This needs to be actioned for safe and kinder support to women seeking to become mothers.

There is an appearance of absolute discrimination here against single people wanting a family, creating a huge risk to women, men and babies' health and safety if they are left to find street sperm donors from among the general public.

At the time of publishing, 574 signatures have been gathered through a separate petition on Change.org.

Annexe B: Extract from Official Report of last consideration of PE2020 on 28 June 2023

The Convener: The next petition, PE2020, which was lodged by Anne-Marie Morrison, calls on the Scottish Parliament to urge the Scottish Government to provide the same fertility treatment to single women as is offered to couples on the NHS for the chance to have a family.

The SPICe briefing explains that, currently, the eligibility criteria for NHS-funded fertility treatment in Scotland apply only to couples and do not mention the eligibility of single women. The eligibility criteria for NHS-funded fertility treatment in Scotland were last reviewed in 2016, based on recommendations from the national infertility group. The focus of NHS-funded treatment is on treating infertility as a medical condition. In contrast, other parts of the UK, such as England, have allowed single women to receive NHS-funded fertility treatment if they are infertile.

The Scottish Government's submission notes that access criteria for NHS in vitro fertilisation—IVF—treatment in Scotland are determined at a national level, and discussions regarding potential changes to those criteria are conducted by the national fertility group, which consists of experts from various organisations and considers clinical research, evidence and data in order to make recommendations to Scottish ministers.

The submission states that Public Health Scotland is working on collaborative modelling techniques to assess the capacity implications of expanding access to NHS IVF treatment for single individuals. That topic will be discussed at a future meeting of the group. However, specific timescales for the modelling and subsequent discussion are not yet available.

In the light of that interesting information, including information about comparators, do members have any suggestions for action?

Alexander Stewart: We could seek more information on fertility treatment for single women. I suggest that we write to the Fertility Network Scotland, the British Fertility Society and Fertility Scotland to seek their views on the action that the petition calls for. We also have the opportunity to write to the national fertility group to seek an update on the work to understand the capacity implications of any future expansion of access to NHS IVF treatment for single women, as you suggested in your opening remarks, convener.

The Convener: Given the changes that we have been advised have been applied elsewhere in the UK, it would be interesting to get not only an update on the capacity implications but the national fertility group's view on why other parts of the UK have expanded their capacity to offer the treatment and we, as yet, have not. I would be very keen to understand its position on that.

Annexe C: Written submissions

National Fertility Group submission of 2 October 2023

PE2020/B: Provide fertility treatment to single women

Thank you for your letter of 5 September 2023 in relation to public petition [PE2020: Provide fertility treatment to single women](#) calling on the Scottish Parliament to urge the Scottish Government to provide the same fertility treatment to single women, as is offered to couples on the NHS for the chance to have a family. I note from that letter that the Citizen Participation and Public Petitions Committee have requested an update on the National Fertility Group's work to understand the capacity implications of any future expansion of access to NHS IVF for single women.

As the Committee may be aware, the National Fertility Group is a Scottish Government group which is chaired by an NHS Chief Executive. I am responding to the Committee's request in that capacity.

It might be helpful if I begin by explaining that initial discussions on any proposed changes to national access criteria for NHS IVF Treatment in Scotland take place within this group. The group brings together experts in their field, including representatives from each of the 4 NHS Assisted Conception Units across Scotland, Scotland's Strategic Fertility Network, Public Health Scotland, Scottish National Blood Transfusion Service and charities including the Progress Educational Trust. The group consider clinical research, evidence and data and make recommendations to Scottish Ministers who make decisions on the access criteria. I have attached for your information, a copy of the access criteria for NHS IVF treatment in Scotland.

The last meeting of the group took place on 22 August 2023. At that meeting, Public Health Scotland (PHS) colleagues provided an update on the modelling work they are carrying out to help the group better understand capacity implications of any future expansion of NHS IVF treatment for single people. This work is still in the early stages, but PHS advised that they are looking at different data sets, including Census information as part of this work. It is not possible to provide specific timescales for completion of the modelling or subsequent discussion by the National Fertility Group at this time.

Access Criteria NHS IVF Treatment Scotland

For new referrals from Primary and Secondary Care From 1 April 2017

Definition of infertility

Infertility with an appropriate cause, of any duration – all couples

or

Unexplained infertility of 2 years – heterosexual couples

Unexplained infertility following six to eight cycles of donor insemination – same sex couples.

All couples referred for NHS IVF (including NHS Surrogacy IVF) must be ready for treatment before being added to the waiting list.

Access criteria recommendations for all couples, including couples having surrogacy IVF

- Eligible patients may be offered up to three cycles of IVF/ICSI where there is a reasonable expectation of a live birth – for new referrals only from Primary and Secondary Care from 1 April 2017. Patients referred prior to 1 April 2017 may be offered up to two cycles of IVF/ICSI.
- Both partners must be non-smoking and nicotine free for at least 3 months before referral for treatment, and continue to be non-smoking and nicotine free during treatment.
- Both partners must abstain from illegal and abusive substances.
- Both partners must be Methadone free for at least one year prior to referral to treatment.
- Neither partner should drink alcohol prior to or during the period of treatment.
- BMI of female partner must be above 18.5 and below 30.
- Neither partner to have undergone voluntary sterilisation or who have undertaken reversal of sterilisation, even if sterilisation reversal has been self-funded.
- Couples can access treatment if one partner has no living biological child.
- NHS funding will not be provided to couples where either partner has already received the number of NHS funded IVF treatment cycles supported by NHSScotland regardless of where in the UK they received treatment.
- No individual (male or female) can access more than the number of NHS funded IVF treatment cycles supported by NHSScotland under any circumstances, even if they are in a new relationship.
- Fresh cycles of treatment must be initiated by the date of the female partner's 40th birthday and all subsequent frozen embryo transfers must be completed before the woman's 41st birthday. If the female partner turns 40 during her first fresh cycle of treatment, no further fresh cycles will be offered. Each individual treatment cycle, including all frozen transfers, must be completed within 12 months of starting treatment, or (as set out above) before the date of the female partners 41st birthday if this is reached first.
- Couples must have been co-habiting in a stable relationship for a minimum of 2 years at the same address.
- NHS funding may be given to those patients who have previously paid for IVF treatment, if in the treating clinician's view, the individual clinical circumstances warrant further treatment.

Number of cycles for couples if female partner aged 40 to 42 years old

In very specific circumstances, for couples where the woman is aged from the day after her 40th birthday, who meet all other criteria, one cycle of treatment may be funded.

Couples must have been screened for treatment by the time of the female partners 42nd birthday at the latest, and all treatment including any subsequent frozen embryo transfers must be completed by the time the female partner reaches 42 + 364 days. All of the following criteria must additionally be met:

- They have never previously had IVF treatment (NHS or private)
- There is no evidence of poor ovarian reserve and if, in the treating clinician's view it is in the patients' interest
- There has been a robust discussion of the additional implications of IVF and pregnancy at this age.

NHS Surrogacy IVF

- NHS IVF with surrogacy may be considered only where a fertility clinician has deemed that there is a clinical indication for this treatment, and where no other treatment options are available.
- NHS Scotland will not be involved in any of the process in identifying a surrogate or any financial or legal arrangements made between the surrogate and the genetic/ commissioning couple.
- Surrogacy is legal in the UK provided that the surrogate receives no payment beyond her reasonable expenses. Couples wanting to have a child in this way are referred to in the law as Intended Parents.
- Surrogates should meet all of the access criteria applied to NHS IVF, with one exception – they may already have a child.
- The Intended Parents must meet all of the above NHS IVF access criteria without exception.
- Couples can only be placed on the NHS waiting list once a surrogate has been identified.

Petitioner submission of 17 April 2024

PE2020/C: Provide fertility treatment to single women

Please consider this information with my petition for better equality in fertility treatment rights. There is a huge demonstration of how unhappy people are about the discrimination being allowed around fertility in the UK making this a serious problem. **There are a combined 85,065 signatures from the first 7 petitions on one subject - fertility, all in the U.K and from one platform.**

- Fertility Fairness in the UK: Created by R.L. **44,649 supporters.**
- Fertility Treatment equality: Created by H.P. **301 Supporters.**
- Make Fertility treatment available regardless of vaccination status: Created by N.McG. **5,0007 Supporters.**
- Stop proposed cuts to fertility treatment NI: Created by D.McG. **301 Supporters.**
- Stop denying fertility treatment to people who's partners have children from previous relationships: Created by J.H. **17,172 Supporters.**
- Fairness in Fertility: Created by D.C. **10,257 Supporters.**
- Woman Prevented from becoming single mothers under Scottish law: Created by A.M. **774 Supporters.**

Why are England allowing single woman to receive free fertility treatment on the NHS, but Scotland are not? Why is that difference allowed between countries? In 2016, women in England were not granted treatment and Scottish couples were. Do our countries make people aware of these options and changes so that they can plan their lives around your ruling systems? My Doctor referred me for fertility treatment and did not understand the denial or know these rules. My doctor referred me for fertility treatment and did not understand the denial or know these rules. I pass every other requirement set – weight, age, health, home etc. but I'm denied fertility support because I'm single. In what world is meant to be a democratic country, why are there are over eighty-five thousand disagreeing signatures and why is nothing being done about these disputes? Why is there such bias, discrimination, and control over people's lives? Why is it that anyone gets to decide that you must be in a relationship to have a family? Why do I need to force myself into a relationship? Many people excel as single parents! Facts are that most relationships break down and most children are not raised with both parents. It is sheer discrimination to fit into a box that I and many do not fit. Why does this two-parent rule not apply for adoption or fostering services if it's a mandatory requirement for single woman to conceive a biological child? Are these rules checked on with the couples who are granted treatment? What if they separate after funded treatment to have babies together? Do they need to pay back to the system if they become single or is tick boxes suffice for overseeing people's choices in parenthood? Why is there support in our inclusive country to be a different sex? Any sexuality? Change physical bodies etc supported on the NHS. But single woman prevented from conceiving a child safely. It's life ruining and diabolical.

Are individual circumstances taken into consideration as to why woman want a solo parenting family? I am a single woman of choice. A survivor of child sexual abuse. Of domestic abuse as an adult. A sufferer of CPTSD - a backed up and widely understood medical condition that makes perfect sense to health professionals, as to why I want to remain in a single status to conceive. Especially while having and raising my future child in and for both our best interest as I don't have enough time to meet and worry about a partner at my age. A baby is my priority, and my career has taken my time prior. I am a fighter for freedom of choice - something the Scottish Government are preventing me having. I am also a Christian choosing not to commit myself to another that I do not intend on spending my life with. Meeting the right and trustworthy person that my baby would call a co-parent will and should take more time than is being set aside for me. I cannot meet, partner, and cohabit with a person for 3 years before being allowed medical support to have a baby. Fertility support is cut off at 40 years old maximum, I'm denied at 37 as single, leaving not enough time to meet the required tick boxes. Why is it that me and thousands of women I have spoken with during this research, have to meet street sperm donors instead of being safely supported in approved clinics across the world?

One woman to note was raped in her own home after saying she wanted to do an artificial method. To then be threatened by court parental rights if the woman doesn't continue to pay him off. Is that safe and equal family making? NO! We aren't lepers – we are merely single. And we are at a risk that needs considering better than this. Why is it that even though I managed to conceive - for it to unfortunately result in an ectopic pregnancy, that I am not allowed fertility checks to see if there is anything wrong with my fallopian tubes because I am single and that's considered fertility

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treatment? Woman are advised on the NHS to try conceiving for 3 years to gain help - I have been trying longer. Allowing more than 6 attempts per sperm donor. I have tried more than. I have proven no sexual health infections. No health restraints to conceiving. Proven high fertile score in ovulation and menstrual cycles. I am stable and consistent, A professional. A good human of good health and determination to be a mother. I am trying my complete and utter hardest, many are.