

Commissioning fertility services factsheet

February 2013

Purpose

To support clinical commissioning groups (CCGs) in taking on the commissioning of fertility services from April 2013

Audience

CCG governing body members; CCG accountable officers and commissioning managers (particularly where the PCT did not previously commission fertility services); commissioning support units

Why has this factsheet been produced?

Commissioning of fertility services has historically taken place at different levels across the NHS, with some Primary Care Trusts (PCTs) leading and some collaborative examples either through Specialised Commissioning Groups (SCGs) or PCT clusters.

Specialised commissioning group staff, in the main, will transfer to area teams of the NHS Commissioning Board from 1 April 2013 whilst commissioning responsibility for fertility services will pass to CCGs. This fact sheet is designed to share key knowledge and understanding related to commissioning these types of services.

At the same time, there have been recent changes relevant to commissioning of fertility services:

- The Equalities Act (effective from 1 October 2012) prohibits discrimination based on age in the commissioning of services. This means any age-related criteria must be founded on clinical reasoning.
- The NICE clinical guideline CG11 Fertility has been updated (20 February 2013). Key changes include advice on:
 - The effectiveness of different embryo/blastocyst transfer strategies
 - The long-term safety of ovulation induction and ovarian stimulation strategies and effectiveness of ovulation induction in women with ovulation disorders
 - The effectiveness of Intrauterine Insemination (IUI)
 - The effectiveness of cryopreservation

- The effectiveness and safety of sperm washing
- The effectiveness of various ovarian stimulation strategies
- The definition of infertility in practice, and when to offer further clinical assessment and investigation
- The definition of a full cycle of IVF
- The number of cycles to offer women below the age of 40 and between 40 and 42

What might CCGs wish to consider?

Adopting SCG/PCT policies

The NHS Commissioning Board has already suggested to CCGs that they may wish to consider adopting the policies of the PCT. Where fertility services were previously commissioned by the SCG it may be appropriate to adopt this policy. CCGs will wish to assure themselves that any age-related criteria are founded on clinical reasoning and should consider early review of their fertility policies where these do not comply with the NICE guideline.

Collaboration with other CCGs

There are a number of reasons why CCGs may consider collaboration for the commissioning of fertility services:

- Fertility services were previously included within the Specialised Services National Definition Set (version 2, 2002), meaning that expert knowledge and skills might be more limited and therefore appropriate to share
- Services are subject to additional legislation under the Human Fertilisation and Embryology Act and hence sharing understanding of these complexities may minimise risks for CCGs
- Complex equity issues, meaning that expert knowledge and skills are needed to develop policy
- The majority of these services are currently outside of payment by results and often provided by a range of NHS and independent sector providers and joint work on procurement and pricing may reduce transaction costs and offer greater leverage with providers
- Fertility services attract a large number of individual funding requests and collaboration may minimise variation in the decisions reached on individual cases and thus the risk of litigation.

Definition of infertility

The revised NICE guideline provides a clear definition of infertility in practice and guidelines for when to offer further clinical assessment and investigation, for both women of reproductive age using vaginal sexual intercourse to conceive and women of reproductive age using artificial insemination to conceive. (See recommendations 38-40).

Eligibility criteria

A number of existing fertility commissioning policies restrict access on the basis of a mixture of social and clinical factors. The NICE Fertility Guideline provides recommendations on clinical factors including smoking, BMI and age. In order for the CCG to minimise challenges to their policy, restrictions for clinical reasons should be supported by evidence and restrictions based on social value judgements should be in keeping with local policies on decision making and ethical frameworks. Engagement with services users and the public is also essential.

Other considerations

CCGs are likely to receive requests for treatment for a wide range of individual circumstances and are likely to need a policy position in the following areas not within the scope of the NICE Fertility guideline: treatment following reversal of sterilisation; surrogacy; donor insemination; and egg sharing/donation.

Directory of additional information / resources

The box below suggests additional information and resources CCGs may wish to review. This is not an exhaustive list, but is intended to signpost CCGs to resources they may find useful.

NICE fertility guideline (updated February 2013)

<http://guidance.nice.org.uk/CG156>

Age discrimination ban in services and public functions: An overview for service providers and customers

<http://www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/age-discrimination-ban?view=Binary>

NHS CB Collaborative Commissioning Framework

<http://www.commissioningboard.nhs.uk/files/2012/03/collab-commiss-frame.pdf>

INUK advice to commissioners on standardising eligibility criteria for IVF treatment

<http://www.infertilitynetworkuk.com/uploaded/Fact%20Sheets/Standardising%20Access%20Criteria%20to%20NHS%20Fertility%20Treatment%20FINAL.pdf>

Report of the INUK Primary Care Trusts Liaison Project 2009-2012

<http://www.infertilitynetworkuk.com/uploaded/Primary%20Care%20Trusts%20Liaison%20Project%202009-2012.pdf>

Map of current SCGs with links to their websites where you can find existing policies (bottom of page)

<http://www.specialisedservices.nhs.uk/pages/view/nscg>