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March 2018 – Briefing – Home Administered abortion pill

From: Redacted

Sent: 15 March 2018 17:17

To: Redacted

Cc: Redacted

Subject: RE: Home administered abortion pill

Hi **Redacted**

Please see below. If **Redacted** needs anything further, please let me know.

Background briefing on the possibility of taking the 2nd abortion pill at home

The Welsh Government has been approached by a number of clinicians and women's support organisations to allow women in Wales to take the second pill of a medical termination of pregnancy outside a clinical setting. Officials are considering the evidence, in particular the possibilities for more efficient services and safer, improved outcomes for women before providing options for the Cabinet Secretary's consideration. This work is still at a very early stage of development, but it is starting to be raised during Plenary, e.g. FMQ-OAQ51918.

Background

Abortions in the UK are governed by the Abortion Act 1967. Under section 1 of this Act, abortions carried out in Wales must only be performed in a hospital, or in a place, or class of place, approved by the Welsh Ministers.

Depending on how many weeks pregnant a woman is, the pregnancy can be ended either by taking medication or by undergoing a surgical procedure.

In 2016, there were 190,406 abortions notified as taking place in England and Wales: 185,596 of which were to residents of England and Wales.

Medical abortions accounted for 62% of the total number of abortions carried out in the UK in 2016. The proportion of medical abortions has more than doubled in the last ten years from 30% in 2006, and since 2014 medical abortions have been the most common method of abortion in England and Wales.

There is a variation between Welsh health boards in the provision of abortion services. They vary on the gestation time limit for provision of medical terminations with some providing up to 9 weeks whilst two boards provide up to 16 weeks and one to 18 weeks before referring to British Pregnancy Advisory Service (BPAS). Surgical abortions are provided up to 12 weeks in one health board area and 14 weeks in others after which patients are referred to BPAS.

An early medical abortion (the "abortion pill") involves taking two different medicines, 36 - 48 hours apart. On the first visit to the hospital in Wales, the patient will be given an abortion pill called mifepristone. On the second visit, the patient is given the second medicine, a prostaglandin called misoprostol. The effect of the medication is similar to an early natural miscarriage. The current arrangements mean a woman is required to attend a clinical setting twice.

Benefits

Late last year, officials met with **Redacted**, a sexual health consultant from Cardiff and Vale UHB, who is a strong advocate for allowing misoprostol to be taken at home. **Redacted** pointed out that such a move would lead to improvements in the quality of medical abortion treatment for those accessing the provision as it would mean women attending a clinic only once. Additionally, it would reduce the burden currently placed on clinical resources at the clinics, enable more appointments to be available for women wanting to access termination of pregnancy services and increase the number of women accessing termination of pregnancy provision at an earlier point in their pregnancy.

Redacted has provided evidence of the benefits of this approach from other countries, which is being considered by officials.

Legal Advice

Section 1(1) of the Abortion Act 1967 ("the Act") prescribes the grounds on which an abortion can lawfully be performed, whilst Section 1(3) of the Act provides that any treatment for the termination of pregnancy must be carried out in a hospital or in a place approved for such treatment by the Welsh Ministers. Section 1(3A) of the Act then provides that the power to approve a place includes power, in relation to treatment consisting primarily of the use of medicines to approve a class of places. The Act does not specify what form this approval should take.

In summary, the Welsh Ministers could use their powers under section 1 of the Act to allow a pregnant patient to take misoprostol (the second stage of early medical abortion) at a place or class of place that the Welsh Ministers have approved – for example, a patient's ordinary residence in Wales.

Judicial Review in Scotland

Scotland issued an approval in October 2017 to allow a pregnant woman to take misoprostol at their home. This move did not require a change in the law but came under the existing powers within the 1967 Abortion Act. The Society for the Protection of Unborn Children Scotland has lodged a challenge against this approval with the Court of Session.

Next steps

Officials are monitoring progress of the Judicial Review currently going through the Scottish courts and will continue to gather evidence in respect of service

improvements and patient safety before providing the Cabinet Secretary with further detailed briefing in due course.

Thanks

Redacted

Gofal Iechyd Poblogaethau / Population Healthcare

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