



Mr Aidan McCreary

By email to: request-1165944-e4f02627@whatdotheyknow.com

23 September 2024

Dear Mr McCreary,

Freedom of Information Request Reference FOI-1527188

Thank you for your request dated 22 August to the Department of Health and Social Care (DHSC), a copy of which can be found in the accompanying annex.

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

DHSC holds information relevant to your request. However, we consider that this information is exempt from disclosure under section 35(1)(a) of the FOIA, which provides protection for information that relates to the formulation or development of government policy.

Section 35 is a qualified exemption and requires consideration of the public interest test.

DHSC recognises the general public interest in promoting openness and transparency in government. However, the purpose of the exemption at section 35 is to protect the internal deliberative process as it relates to policy making. In other words, the exemption is intended to ensure that the possibility of public exposure does not deter ministers, officials and subject experts from full, candid and proper deliberation of policy formulation and development, including the exploration of all options, the keeping of detailed records and the taking of difficult decisions. Premature disclosure of information protected under section 35 could prejudice good working relationships, the perception of civil servants' neutrality and, ultimately, the quality of government.

Your specific request relates to questions and documents related to limiting the prescribing of gender dysphoria medicines to children. The Independent Review of gender identity services for children and young people ('The Cass Review') found that there is not enough evidence about the long-term effects of using puberty blockers to treat gender dysphoria and gender incongruence to know whether they are safe or beneficial, and therefore the use of these medicines should change. In response, NHS England, following consultation, updated its clinical policy on puberty blockers: that they should not routinely be available as a commissioning treatment for gender dysphoria/gender incongruence in under-18s.

The previous Government subsequently introduced an emergency three-month section 62 prohibition Order banning the sale or supply of gonadotropin hormone-releasing hormone analogues ('puberty blockers') for the purposes of puberty suppression to children under 18 experiencing gender dysphoria and/or incongruence. The new Government has continued to support this policy, and the Order was renewed on 22 August. However, the

Order is for another three months only. It is necessarily a temporary measure, enabling further work to be done to determine the appropriate legislative approach for the future. Given this, we consider the policy still in development.

We have considered the balance of the public interest in relation to disclosure of this information and have determined that it is against disclosure.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be sent to freedomofinformation@dhsc.gov.uk or to the address at the top of this letter and be submitted within two months of the date of this letter.

Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

Guidance on contacting the ICO can be found at <https://ico.org.uk/global/contact-us> and information about making a complaint can be found at <https://ico.org.uk/make-a-complaint>.

Yours sincerely,

Freedom of Information Team
freedomofinformation@dhsc.gov.uk

Annex

From: Aiden McCreary <request-1165944-e4f02627@whatdotheyknow.com>
Sent: Thursday, August 22, 2024 10:31 PM
To: FreedomofInformation <freedomofinformation@dhsc.gov.uk>
Subject: Freedom of Information request - Correspondence with Northern Ireland Executive Committee

Dear Department of Health and Social Care,

I would like to request copies of correspondence, including emails, letters, and/or minutes, with the Northern Ireland Executive Committee, and/or any relevant departments/their Ministers, such as the Executive Office or Department of Health, concerning the granting of executive approval for the extension of the Search The Medicines (Gonadotrophin-Releasing Hormone Analogues) (Emergency Prohibition) (Extension) Order 2024 to Northern Ireland.

Yours faithfully,

Aidan