



Dr Dermot Kearney

By email to: request-1156197-0afb99ff@whatdotheyknow.com

20 August 2024

Dear Dr Kearney,

Freedom of Information Request Reference FOI-1523324

Thank you for your request dated 8 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.

Under the Abortion Act 1967, women have access to safe, legal and regulated abortion services on the NHS, which now includes taking both abortion pills at home at up to ten weeks' gestation. The doctor terminating the pregnancy must be of the opinion, formed in good faith, that the pregnancy is not beyond ten weeks. This opinion is formed following a consultation with the woman concerned.

The Government has a duty to ensure that the provisions of the Abortion Act 1967 are properly applied. Women are given the choice to have either an in-person consultation or a virtual consultation. However, if there is any uncertainty about the gestation of the pregnancy, or if the doctor has any concerns, the woman will be asked to attend a clinic. If she does not attend the clinic, the doctor would not be able to form an opinion in good faith that the pregnancy is below ten weeks and would therefore not be able to proceed with prescribing abortion pills for home use. We have been clear that abortion providers should not move to a digital-by-default approach.

Early Medical Abortion pills are Prescription Only Medicines (POM) therefore can only be prescribed to the individual concerned for a specific episode of care. In the UK it is therefore illegal for the individual concerned to give Early Medical Abortion pills to a different person, or for that individual to use the same medication for a different pregnancy. Some of the main abortion providers such as the British Pregnancy Advisory Service (BPAS) and the National Unplanned Pregnancy Advisory Service (NUPAS) offer legal reminders about abortion medication on their website.

Links to those warnings are below:

[Abortion Pill | Treatment at Home | BPAS](#)

[Abortion Pill by Post | NUPAS](#)

If you are not satisfied with the handling of this 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: Dermot Kearney <request-1156197-0afb99ff@whatdotheyknow.com>
Sent: Thursday, August 8, 2024 10:27 AM
To: FreedomofInformation <freedomofinformation@dhsc.gov.uk>
Subject: Freedom of Information request - Safeguarding for women obtaining abortion pills without in-person consultation

[You don't often get email from request-1156197-0afb99ff@whatdotheyknow.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Department of Health and Social Care, I would like to ask what measures are currently undertaken to ensure that a woman requesting abortion pills by a telephone consultation with an abortion provider, without any in-person review, is actually pregnant and that the abortion pills, once obtained, will be for her use and her use only?

Yours faithfully,

Dr Dermot Kearney