



Ms Keira Fisher

By email to: request-1135584-9b1e22ed@whatdotheyknow.com

21 June 2024

Dear Ms Fisher,

Freedom of Information Request Reference FOI-1514953

Thank you for your request dated 31 May 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.

Some of the information held by DHSC is in the public domain, so we will, under section 21 of the FOIA (information accessible to the applicant by other means), refer you to the published source. A copy of the Minister's statement can be found in the preamble to the Order at the following link:

[The Medicines \(Gonadotrophin-Releasing Hormone Analogues\) \(Emergency Prohibition\) \(England, Wales and Scotland\) Order 2024 \(legislation.gov.uk\)](#)

However, we are withholding any further information relevant to your request, as we consider that this information is exempt 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 making this information available for the sake of greater transparency and openness.

However, DHSC takes the view that the section 35 exemption is intended to ensure that the possibility of public exposure does not deter from full, candid and proper deliberation of policy formulation and development, including the exploration of all options.

Civil servants and subject experts need to be able to engage in the free and frank discussion of all the policy options internally, to expose their merits and demerits and their possible implications as appropriate. Their candour in doing so will be affected by their assessment of whether the content of such discussion will be disclosed. Premature disclosure of information protected under section 35 could prejudice good working relationships and the perception of the neutrality of civil servants.

In the case of your specific request, the relevant documents explore options relating 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 the use of these medicines in the context of gender dysphoria or gender incongruence was not evidence based and 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 Government subsequently signalled its intention to close legislative loopholes through which puberty blockers could continue to be prescribed to children. However, the introduction of the Order is an emergency order and for 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 whether the balance of public interest favours disclosure of this information. Our conclusion is that the balance of the public interest 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: Keira Fisher <request-1135584-9b1e22ed@whatdotheyknow.com>
Sent: Friday, May 31, 2024 9:34 PM
To: FreedomofInformation <freedomofinformation@dhsc.gov.uk>
Subject: Freedom of Information request - The Medicines (GNRH Analogues) (Emergency Prohibition) Order 2024

Dear Department of Health and Social Care,

I am making a request in relation to the The Medicines (Gonadotrophin-Releasing Hormone Analogues) (Emergency Prohibition) (England, Wales and Scotland) Order 2024.

Please can you provide all supporting documents and risk assessments related to the order.

Please can you also provide all draft copies of the order, and all meeting minutes and internal communications relating to the creation and publication of the order.

Yours faithfully,

Keira Fisher