

HFEA Licence Committee Meeting
17th September 2009

21 Bloomsbury Street London WC1B 3HF

Minutes – item 12

The Bridge (0070) – Incident Report

Members of the Committee:	Committee Secretary:
Clare Lewis-Jones (lay)	[REDACTED]
Ruth Fasht (lay)	Legal Adviser:
Sue Price (Clinical Geneticist)	[REDACTED]
Chris Barratt (Andrologist)	
Apologies:	
Roger Neuberg (clinician)	

Declarations of Interest: members of the Committee declared that they had no conflicts of interest in relation to this item.

The following papers were considered by the Committee:

- papers for Licence Committee (20 pages)
- Executive Summary
- Incident Investigation report
- Incident report
- Relevant previous minutes
- Relevant correspondence

1. The Committee considered the papers and noted that on 10 June 2009 a Licence Committee had considered a Grade A incident at The Bridge Centre (0070) that involved the use of gametes contrary to conditions the donor had imposed on his consent.
2. The Committee had made several recommendations that had been adhered to, however despite exhaustive efforts from the executive confirmation had not been received that the donor had been informed of the full extent of the use of his sperm.

3. It was noted that on 3 September 2009 correspondence had been received from the PR at the Bridge confirming that the decision had been made not to inform the donor.
4. The Committee noted that under schedule 3 paragraph 3 of the Human Fertilisation and Embryology Act 1990 before a person gives consent under this schedule they must be provided with such information as is proper. The Committee also noted paragraph 5 of the same schedule, which requires that "a person's gametes must not be used for the purposes of treatment services ... unless there is an effective consent by that person to their being so used and they are used in accordance with the terms of that consent".
5. The Committee considered first, that these gametes had not been so used, and second, that any new consent obtained from the donor subsequent to these incidents did not satisfy paragraph 3 of schedule 3, as the donor had not been provided with all proper information. Such a consent would not be an "effective consent" within the terms of the Act. Any further use of those gametes on the current facts would be a fresh breach of paragraph 5 of schedule 3.

The Committee's Decision

6. The Committee determined that the requirements of s.18(1) and (3) of the Act applied. The Committee was aware that the licence committee meeting on 10 June 2009 had not reached the same conclusion. However the Committee considered the centre's actions since that date to be an additional factor which, taken with the overall history of this incident, now justifies a departure from that earlier conclusion.
7. The Committee therefore imposes the following conditions on the centre's licence with immediate effect:
8. This donor's gametes are not to be used for treatment of any patients.
9. The donor must be promptly informed of the full extent of the use of his sperm.

Signed

Clare Lewis-Jones (Chair)

Date

24/9/09