Dear Maria,

Following the letter from the Rt Hon Penny Mordaunt of 14 March and discussions at the oral evidence sessions of the Women and Equalities Select Committee inquiry into abortion and Northern Ireland, I am writing to set out the position from my Department’s perspective regarding the provision of information to women about the availability of the Government funded scheme to provide abortions in England for women from Northern Ireland.

I think it is important to note what the current 2016 guidance from the Department of Health, Social Services and Public Safety (DHSSPS) in Northern Ireland says about provision of information on abortion:

‘Women may seek advice on access to, or availability of, termination of pregnancy services in other jurisdictions. Information on such services is in the public domain and accessible from a range of sources including magazines, television and the Internet. If requested, health professionals may inform women of the availability of information on these services to ensure that the woman is able to come to a fully informed decision.’

“There are some circumstances in which it would be unlawful to terminate the pregnancy of a woman in Northern Ireland but, notwithstanding that, in those same circumstances it may nevertheless be lawful to terminate that pregnancy if the woman was present in another jurisdiction. In such circumstances it
would be lawful to provide a pregnant woman in Northern Ireland with information about the circumstances in which it may be lawful to terminate her pregnancy if she was in another jurisdiction. Again, it would be lawful to advise her that she is free to travel to such other jurisdiction for the purposes of ascertaining whether it would be lawful to have her pregnancy terminated there, and, if so, of securing its termination. The courts in Northern Ireland have never considered the issue of whether it would be lawful to ‘advocate or promote’ in Northern Ireland the termination of a pregnancy in another jurisdiction (in circumstances where it would not be lawful if carried out in Northern Ireland but would be lawful if carried out in that other jurisdiction).’”

It is also important to note that doctors and other health professionals in Northern Ireland do not have a formal role in the operation of the scheme and do not refer women to it. Women self-refer through the Central Booking Service which operates as part of the scheme. We are aware that doctors and other health professionals in doctors on delegation and referral, which states that:

‘Referral is when you arrange for another practitioner to provide a service that falls outside your professional competence.’

‘You must pass on to the healthcare professional involved:

- relevant information about the patient’s condition and history
- the purpose of transferring care and/or the investigation, care or treatment the patient needs.’

In relation to the travel scheme, travel costs may be provided where a woman meets certain criteria – as we recognised that people who cannot afford the transport would be effectively excluded if travel costs were not provided. Again, health professionals in Northern Ireland are not involved in the decision of whether to fund a person’s travel costs or not. We are confident that the scheme to fund abortion services and, where necessary, travel expenses as administered by my Department operate lawfully.
I hope this information is useful to the Committee. I am copying this letter to the Secretary of State for International Development and Minister for Women and Equalities, the Chief Medical Officer for Northern Ireland, the Permanent Secretary for Northern Ireland and the Secretary of State for Northern Ireland.

JACKIE DOYLE-PRICE