

FROM:

S.38 | S.40
CRIMINAL JUSTICE POLICY & LEGISLATION DIVISION
July 2016

See distribution below

1. Brian Grzymek [Agreed. BG 7/7]
2. Claire Sugden

COR/1135/2016 ABORTION: WORKING GROUP ON FATAL FETAL ABNORMALITY

Issue: The Health Minister has written seeking your agreement to the Terms of Reference for the Working Group on fatal fetal abnormality.

Timing: Urgent. Indicative scheduling of 14 July for first meeting of the Group.

Presentational Issues: N/A

FOI Implications: Policy advice.

Financial Implications: N/A

Shared Future Proofing: N/A

Legal implications: N/A

Legislative Implications: N/A

Justice Comm. Referral: N/A

Executive Referral: N/A at this stage.

Recommendation: That you agree the draft Terms of Reference and approve nominated DOJ representatives.

Detail

You will be aware that, in the previous mandate, and prior to the Assembly debate (10 February) on a Private Member's amendment to allow for abortion in cases of fatal fetal abnormality, the DUP proposed the establishment of a Working Group to look at the issue. The then Health Minister was asked to establish the Group and the Department of Justice agreed to become a member on an inter-Departmental

basis. However, the Group was not established prior to the dissolution of the previous Assembly.

2. The Minister of Health has now written, setting out the background to the Group, and asks that you consider and agree the draft Terms of Reference (TOR), attached at **Annex A**. You are also asked to confirm who will represent the Department on the Group.

3. As the letter advises, the draft TOR were agreed in principle by Ministers in the previous mandate. While there is, of course, a focus on health care provision, the objective for the Group includes reference to the issue of potential legislative change on abortion, and takes cognisance of the matters addressed as part of the major consultation exercise carried out by the Department in 2014/2015. There is also a recognition of the need to determine clear and appropriate terminology and definitions, something which featured prominently in the Assembly debate.

Group Membership

4. The Group will be chaired by the Chief Medical Officer, Michael McBride. Other members include:

Chief Nursing Officer, Charlotte McArdle

Chief Social Services Officer, Seán Holland

Senior Official, DoH Secondary Care (TBC)

Legal Advisor, Departmental Solicitor's Office

5. Subject to your approval, Brian Grzymek, Deputy Director, supported by Amanda Patterson, will represent the Department on the Group.

Timescale

6. We understand that it is the intention to make recommendations to you and to the Health Minister by September 2016, with the first meeting of the Group scheduled for 14 July.

Recommendation

7. I recommend that you:

- agree the Terms of Reference at Annex A
- approve Brian Grzymek, supported by Amanda Patterson, as the Department's representatives on the Group and;
- reply as per draft at Annex B.

S.38 / S.40
Criminal Policy Branch
EX 73503

Cc Nick Perry
David Lavery
Amanda Patterson
Fionnuala Campbell
Tim Logan
S.38 / S.40
Alison Grundle

WORKING GROUP - FATAL FETAL ABNORMALITY

Draft Terms of Reference

The Group's objective will be:

- To consider issues relating to cases of fatal fetal abnormality, including matters addressed in the previous consultation by the Department of Justice, and provide a report to a Ministerial sub-group to the Executive, making recommendations including on potential legislative change for termination of pregnancy as necessary.

Actions will include:

- Identifying how best to engage with, and obtain input from, women who have experienced fatal fetal abnormality and the health and social care professionals who have treated them;
- Scoping the current health and social care provision for women in Northern Ireland who have had to deal or are dealing with a diagnosis of fatal fetal abnormality;
- Identifying any gaps in provision and how they can be closed;
- Engaging with appropriate Royal Colleges and other relevant organisations that the Group considers can contribute to its work; and
- Determining how clinical practice and medical capability can best be reflected by appropriate terminology and definitions which would offer legislative clarity for any change to the law on abortion.

Suggested Membership

The suggested membership of the Group is as follows:

- Chief Medical Officer, Michael McBride (Chair);
- Chief Nursing Officer, Charlotte McArdle;
- Chief Social Services Officer, Seán Holland;
- Senior Official, DoH Secondary Care (To Be Confirmed)
- Legal advisor from the Departmental Solicitor's Office
- Senior Official, Department of Justice.

DRAFT LETTER FOR SIGNATURE BY CLAIRE SUGDEN

Michelle O'Neill MLA
Minister of Health
Castle Buildings
Stormont
Belfast
BT4 3SH

Your Ref: SUB/1105/2016

ABORTION: FATAL FETAL ABNORMALITY WORKING GROUP

Thank you for your letter of 5 July confirming the establishment of the Working Group and for sight of the draft terms of reference.

I am content with the terms of reference and confirm that Brian Grzymek, Deputy Director, Access to Justice Division, will represent my Department on the Group. He will be supported at Group meetings by Amanda Patterson, Head of Criminal Policy Branch, Criminal Justice Policy & Legislation Division.