



18th December, 2020

bnow181220hancock

The Rt. Hon Matt Hancock MP,
Secretary of State for Health,
House of Commons,
London,
SW1A 0AA

(sent via e-mail: mb-sofs@dhsc.gov.uk)

Dear Matt,

Re: Closing the Loophole - Online Procurement and Dispensation of Puberty Blockers

I write as a matter of urgency to ask you to close the loophole allowing the harmful dispensation of puberty blockers and similar drugs to vulnerable children and young persons. Such drugs are often procured online and dispensed in the UK utilising a loophole in EEA prescription rules. This practice, via controversial organisations such as GenderGP has been linked to the tragic suicide of a transgender teen¹.

The recent High Court decision of *Bell v Tavistock*, provides clear and compelling case for the Government to close this loophole and end these hazardous practices. In *Bell*, the High Court observed that:

- a. Puberty blockers are not ‘fully reversible’

¹ <https://www.mirror.co.uk/news/uk-news/transgender-clinic-linked-teens-suicide-22824548>

- b. Puberty blockers do not ‘buy time’ they are the first stage of a medical pathway from which few children depart
- c. There is no convincing evidence that puberty blockers alleviate distress
- d. The pathway of puberty blockers and cross sex-hormones has serious physical consequences, including the loss of fertility and full sexual function, with profound long-term consequences; and
- e. The treatment is ‘experimental’.

Whilst I welcome precautionary measures that his Department has taken following the decision, it seems incoherent that the Government should take preventative steps in regard to the regulated and monitored use of puberty blockers drugs within the NHS whilst looking the other way whilst such drugs are sourced offshore and dispensed by UK Pharmacists by virtue of a regulatory loophole.

Immediately following the *Bell* judgment, Helen Webberley of GenderGP, a company involved in utilising the EEA loophole, publicly vowed to continue prescribing drugs to young people under 18 despite the High Court’s ruling.² I attach a copy of the article to this letter for your reference.

By way of background, GenderGP is a private company offering gender identity healthcare services. It was founded by Dr Helen Webberley who (with her husband Mike) remain suspended by the GMC from practising as doctors within the UK³. Mrs Webberley also received a criminal conviction at Merthyr Tydfil Magistrates Court for running an unlicensed gender clinic from her home in Wales between March 2017 and February 2018 whereby she reportedly gave sex change hormones to children as young as 12. District Judge Neale Thomas ruled that Dr Helen Webberley and her company breached the registration requirement of section 11 of the Care Standards Act 2000. She was fined £12,000⁴.

² <https://www.thetimes.co.uk/article/online-clinic-ignores-ruling-on-puberty-blockers-q8mjwsn38>

³ https://www.thetimes.co.uk/article/gp-gave-child-12-sex-change-drug-qtbgqsthz?wgu=270525_54264_15961212850649_ec68d1d9e3&wgexpiry=1603897285&utm_source=planit&utm_medium=affiliate&utm_content=22278

⁴ <https://www.walesonline.co.uk/news/wales-news/doctor-ran-illegal-transgender-clinic-15498876>

GenderGP customers appear to be assessed online and obtain their drugs through a prescription issued by a doctor offshore in an EEA country or Switzerland. Until a recent expose in October 2020 by The Times⁵ and Dr Faye Kirkland from the BBC, these prescriptions were dispensed through one of GenderGP's partners - a Liverpool based entity called Clear Chemist. The expose led to an intervention by the General Pharmaceutical Council that found Clear Chemist to have '*serious system-wide failures in governance and management of risk and ...lack of safeguarding which presents a risk to patient safety*'⁶. Consequently, an improvement notice was issued to Clear Chemist and restrictions placed on their work. The GenderGP website now states that Clear Chemist is unable to dispense for GenderGP customers any longer due to these restrictions. They address this on their website advising patients of 'other options'⁷. Following the General Pharmaceutical Council intervention, GenderGP has sought alternative suppliers and continues to offer puberty blockers online.

Under EU and our Brexit-transition rules⁸ it appears that any prescription written in the EEA/Switzerland can be dispensed in the UK. However, this does not apply to controlled substances within Schedules 1-3 under the Misuse of Drugs Regulations 2001. Therefore, if the drugs being dispensed by GenderGP were to be reclassified by yourself and placed into Schedule 1-3 of the regulations, no UK pharmacist would be able to lawfully dispense a prescription sourced in the current manner.

I ask you to urgently commit to immediately closing this loophole, by the above means and any other method necessary to protect the welfare of vulnerable young people.

Yours ever,



Baroness Nicholson of Winterbourne

cc: Lord Bethell

⁵ <https://www.thetimes.co.uk/article/chemist-sells-hormones-for-trans-children-online-cbgtxlbd#:~:text=Parents%20of%20transgender%20children%20can,Britain%2C%20The%20Times%20has%20leaant>

⁶ <https://www.dailymail.co.uk/news/article-8894267/Pharmacy-home-delivered-puberty-blockers-transgender-children-patients-risk.html>

⁷ <https://www.gendergp.com/how-will-i-get-my-medication/>

⁸ <https://www.gov.uk/guidance/prescriptions-issued-in-the-eea-and-switzerland-guidance-for-pharmacists>

Appendix 1: Times Article

Online clinic GenderGP ignores ruling on puberty blockers (Sunday Times)

The overseas practice, whose founder is a suspended GP, says it will continue to prescribe the drugs to under-18s

Shanti Das, Sian Griffiths, Mark Macaskill

Saturday December 05 2020, 6.00pm, The Sunday Times

A private clinic set up by a suspended GP has vowed to keep prescribing puberty blockers to children despite a High Court ruling that under 16s are unlikely to be able to fully consent to the “experimental” treatment.

Three judges said on Tuesday that it was “highly unlikely” a child under 13 was mature enough to consent to puberty blockers, and it was “doubtful” that 14 and 15-year-olds could “weigh the long-term risks and consequences”.

The landmark judgement means court approval will be needed before puberty blockers can be prescribed to children in England and Wales who are confused about their gender identity. NHS England immediately updated its guidelines to state that a court order must be sought for any new referral for such medication.

The Tavistock and Portman NHS Foundation Trust, which runs England’s only specialist gender service for young people, has suspended new referrals for puberty blockers for under-16s and is reviewing existing patients’ cases.

But GenderGP, a clinic that treats children in England through doctors based in Europe, said it would continue to prescribe the drugs as normal, bypassing the high court ruling.

In a live broadcast on Facebook on Thursday, founder Helen Webberley insisted the consent process used by the clinic was “robust” and said it would be “continuing to prescribe blockers for people who are on blockers, and continuing to prescribe new blockers for anybody who is able to give consent to that treatment”.

Webberley is barred from practising in the UK after she was convicted of running an unlicensed practice treating 1,600 transgender patients and gender dysphoric children from her home in South Wales. She was fined £12,000 by a judge in 2018 who said

there was a “clear refusal to follow the law”, while the regulator said she posed a risk to patient safety.

The clinic had been linked to the death of 18-year-old Jayden Lowe, who took his own life after taking drugs prescribed online following a six-year wait for NHS treatment. Afterwards, his mother said Webberley and her husband, a fellow doctor who was also subsequently suspended, had “taken advantage of a person in a bad situation”.

The Webberleys moved to Spain and GenderGP was acquired by Harland International Ltd, an LGBT advocacy organisation based in Hong Kong. Helen remains a non-medical advisor and is on the website’s front page.

Despite being overseas, GenderGP has continued treating patients in England using a legal loophole which means drugs prescribed by doctors in the European Economic Area can be dispensed in the UK, allowing young people to circumvent some NHS safeguards and waiting lists.

Webberley insisted last week that the consent process used by the clinic was “robust” and repeated a claim that puberty blockers were “reversible, well evidenced and safe” — despite the High Court ruling their use in gender dysphoric children was an “experimental” treatment with “potential lifelong and life-changing consequences”. “GenderGP will stand firm for the rights of children, adolescents, adults, elderly folk, anybody, and will keep fighting for as long as it’s needed,” Webberley said.

The clinic, which charges £195 as a “set up” fee and £65 for an initial consultation, has also started a fund to collect donations to “help patients who are no longer able to access the care they need via the NHS”. There are 246 young people in England currently under its care.

As well as clinics based overseas, puberty blockers and cross-sex hormones are sold widely on the internet by illegal online pharmacies.

One website is described in a forum as being widely used by transgender people who are “self-medicating”.

To place an order, internet users enter a name, email address and payment details. They are asked to confirm they are over 18 but this is not checked.

Gino Martini, chief scientist at the Royal Pharmaceutical Society, said online suppliers could be used to “short-circuit” official processes. “Young people have been able to access drugs with no proper consultation involved,” he said.

The High Court ruling last week has been described as “an historic judgment” that would be looked at by leaders of other countries and states in the US, where public debate about interventions for transgender young people is also fierce.

The case was brought against Tavistock and Portman NHS Trust, which runs the Gender Identity Development Service (GIDS) by two claimants — Keira Bell, 23, who was prescribed puberty blockers by the Tavistock, and the mother of an 15-year-old girl with autism awaiting treatment at the clinic — who argued that puberty blockers should only be given to under 18s with court approval. Bell, who said she had hot flushes, “brain fog” and other symptoms after starting blockers, went on to take testosterone and have a double mastectomy at 20 but now lives as a woman after “detransitioning.

At a High Court hearing in October, the claimants’ lawyers said there was “a very high likelihood” children who start taking hormone blockers will later begin taking cross-sex hormones, which they say cause “irreversible changes”.

Dr Annelou de Vries, who leads the Centre of Expertise on Gender Dysphoria at the Amsterdam University Medical Centre in the Netherlands, told the court that only 1.9% of adolescents given puberty blockers there stopped the treatment and did not proceed to cross-sex hormones. She said the treatment was “fully reversible”. GIDS said the drugs — which delay the usual signs of puberty, such as facial hair or breast growth — gave children “time to think”.

In their ruling, Dame Victoria Sharp, sitting with Lord Justice Lewis and Mrs Justice Lieven, concluded blockers were “not a neutral process” but a “stepping stone” to cross-sex hormones, which could “increase the likelihood” of them moving on to further treatments that damage fertility or impact relationships. “For many children, certainly younger children, it will not be possible to conceptualise not being able to give birth to children,” they said.

They said the “highly complex and potentially lifelong and life-changing” consequences were something a child would have “enormous difficulties” weighing up.

While the drugs had long been prescribed to children going through precocious puberty, they said the evidence base for the long-term effects in gender dysphoric children was “highly uncertain” and that the treatment was therefore “experimental”. They also raised concerns about the rise in the number of people being prescribed blockers, particularly girls. In 2011 the gender split at GIDS was roughly 50/50

between natal girls and boys. However, in 2019 the split had changed so that 76 per cent of referrals were natal females.

The number of referrals to the Tavistock's gender service overall has risen sharply in recent years. In 2009, 97 children and young people were referred. In 2018 that number was 2,519. In the year 2019-20, 161 children were referred to the service for puberty blockers, with 26 of those aged under 13 and 95 aged under 16. Three of the children were 10 or 11.

In summary, they ruled that children could only have the treatment if they gave properly informed consent, but that "there will be enormous difficulties in a child under 16 understanding and weighing up this information and deciding whether to consent to the use of puberty blocking medication".

They said given the "long-term consequences" and experimental nature of the treatments, it may be appropriate to involve the courts in decisions involving 16 and 17-year-olds too.

The ruling does not affect Scotland, where referrals of children to its youth gender service have risen sharply. A government spokeswoman said it was "not for the Scottish Government to comment on the court action taking place in England and Wales" but that it would "consider the detail" of the judgement.

The Sandyford clinic in Glasgow had 298 referrals in 2018, with referrals for those aged between four and ten rising by more than 80 per cent in a year. It said there would be "no changes" for its patients as the clinic follows Scottish guidelines. It currently has a waiting list of 2.5 years and does not accept patients from England.

The General Pharmaceutical Council, which regulates pharmacies in England, Wales and Scotland, said: "We are carefully considering Tuesday's High Court ruling and any actions we should take as the pharmacy regulator."

Gendered Intelligence, a charity for transgender youth, said it was "in shock" at the ruling and said it could cause anxiety among young people. It said it would push them into a "grey market where they cannot undergo robust medical monitoring" and called for a "better support process for young people to explore all their options". Abruptly stopping children's treatment part-way through would be "inhumane", it added.

The mother of a teenager who is part-way through puberty-blocking treatment at GIDS said she was “really anxious” and that the family was “in limbo”. “We’re just parents like anyone else who want the best for their child,” she said.

The 55-year-old from London, who asked not to be named, said her daughter had a year-long assessment at GIDs before beginning puberty blockers aged 14. She had expressed confusion about her gender and became “more and more unhappy” living as a boy. After beginning the treatment, she was “transformed”, her mother said.

Following the judgement, criminal barristers have been instructed to consider whether or not any criminal offences have been committed. It is being considered whether doctors were reckless as to the consequences, and reckless as to whether children were properly able to give informed consent. There is the possibility that this could lead to criminal proceedings.

Paul Conrathe, the claimants’ lawyer, said the judgement “opened the floodgates” for clinical negligence claims and placed the welfare of children as the “primary consideration”.

He added that it had “far reaching implications that extend beyond the Tavistock” and would be “relied upon around the world”.

Keira Bell, the claimant prescribed blockers at 16, said she was “delighted” by the judgement and that it would protect vulnerable children. She described her own treatment as a “devastating experiment”. “No one has apologised,” she added.

Appendix 2: GGP Concerns: Public Domain

Concerning Reviews of GGP (Public Domain)

Publicly available reviews raise profoundly alarming concerns as to the conduct of GenderGP non-medical ‘team members’ some of whom are identifiable from the GGP website:

"I find GenderGP to be very obstinate, intentionally avoidant of meaningful patient interaction, and in general just badly organised and difficult to use and to contact. And yet for all that said, I'd still recommend them to another trans man, because like... Dude, what other option do we have?"

Assessment included a "compulsory "information gathering session" — this was about an hour over Skype I spent talking with a woman about what it felt like to approach growing up as trans dude, etc. She told me multiple times she was not a medical health professional, and stressed many times that it was not medically relevant, but was just for "information gathering". "
[emphasis added]

Blood tests: "I declined to get my blood tests done with GenderGP, and instead, chose to get them done by my GP — **initially, GenderGP said it was compulsory for me to get blood tests before being prescribed medication. When it turned out the money for doing the blood tests would be going to my GP, and not to them, they said that as I was young and healthy, the blood tests didn't matter."**

prescription issued in Bucharest, Romania [emphasis added] ⁹

The above review is from an adult customer Johannes Evans, which suggests that GGP's GP (if singular) might possibly reside in Bucharest. Further reviews contained on Trustpilot raise concerns as to referral practices:

Ailbhe Beatrice – 23 July 2020

"After having my top surgery consultation, it took the clinic over 3 weeks to send me my referral letter, and when I finally passed this onto my surgeon, he could not accept it due to GenderGP's reputation, and that Marianne Oaks

⁹ <https://medium.com/@hannestevens/transgender-diaries-testosterone-day-1-d8245b1dd36d>

was not actually qualified to refer me to this surgery. I'm very angry, Paid £150 for the consultation for nothing.” [emphasis added]

Reply from GenderGP Transgender Services

Dear Ailbhe Beatrice,

We are so sorry to hear that your referral letter was refused by your surgeon, that must have been hugely distressing. We do state in our disclaimer, which will have been sent to you and is available on our website, that the final decision on whether our assessments and letters will be accepted, lies with the surgeon. You can read this in full here: <https://www.gendergp.com/surgery/>

Your surgeon's claim that, as a certified counsellor, Marianne Oakes is not qualified to write a referral letter, is incorrect. [emphasis added]

Would you like us to write to your surgeon to ensure that any confusion is cleared up? Our hope is that this clarification will make a difference to his willingness to provide you with the care that you need.

GenderGP¹⁰

Mila – 29 April 2020:

"Like the other reviews have stated , they're fast and responsive when signing you up to get your money , and yes they do get you hormone treatment faster than other places , but once you're a patient they don't seem to want to know , they take a month to reply and that's only when you chase it up! And then they blame you for sending another email ." [emphasis added]

Reply from GenderGP Transgender Services

Dear Mila,

We are genuinely sorry that you have been frustrated by your experience with us. We have had some challenges over recent weeks which you can read about here, if you are interested in finding out more: <https://www.gendergp.com/a-message-to-the-gendergp-community/>

We are working hard to resolve the issues and have some exciting plans in development which we are confident will significantly improve your experience with us.

¹⁰ <https://au.trustpilot.com/review/gendergp.co.uk?languages=en&stars=1>

Thank you for your patience and understanding¹¹.

Alexander wrote on 24 Feb 2020:

"Getting prescribed hormones was a great experience with gendergp. They were friendly and responsive. **But good luck trying to get any aftercare. I have been on hormones for 6 months and they have been severely messing with my moods. I have tried to contact gendergp urgently as at points I have been suicidal and they are slow to respond, don't seem to care, and try to pan it off onto my Gp. I understand they are busy, but it felt like they just wanted to get me on hormones as quickly as possible and that was it. Where is the aftercare? Where is the duty of care? They need to accept responsibility and try to help their patients that need extra help.** I'm not happy as I have been left in the dark a lot and this is an experience I'm supposed to be enjoying, instead it has been horrific [emphasis added]

Reply from GenderGP Transgender Services

Please accept our sincere apologies if you have been left feeling uncared for. This was absolutely never our intention. Our entire purpose is to make life easier for our patients and if we have failed in this then we are truly sorry. We have been working hard over recent months to introduce a whole new system which has resulted in a backlog and has slowed us down, but we are making progress and we are committed to making a positive difference to your experience of gender related care. If you still need our help, then please do get in touch¹².

K Richards, 27 July 2020:

'Had my first appointment IGS and don't...

"Had my first IGS but don't feel any different from the way I felt before it. Didn't get much out of it so I feel like the money is wasted"

Reply from GenderGP Transgender Services

Thank you for taking the time to feed back. The aim of our Information Gathering Sessions (IGS) **is to find out more about you so that we can work out the best pathway for your transition.** Many people find the act of sharing their experiences can help, but this is by no means a quick fix. Gender is complex and we are here to

¹¹ <https://au.trustpilot.com/users/5ea9d931ada65cdcb90cdb82>

¹² <https://au.trustpilot.com/review/gendergp.com?page=2>

support those who may be struggling to get the help they need, however long that may take¹³. [emphasis added]

¹³ <https://au.trustpilot.com/review/gendergp.com>