

Clinical: Surgery / Gender-affirming services
Proactive release: 23 January 2020

20 January 2020

9(2)(a)

E-mail: 9(2)(a)

Dear 9(2)(a)

Official Information Act (1982) Request

I write in response to your Official Information Act request, received by us on 06 December 2019. You requested the following information:

1. The DHB's policy on the provision of Gender-affirming "Top Surgery" to transgender patients in the Counties Manukau DHB;
2. The DHB's policy on the provision of Gender-affirming "Top Surgery" to transgender patients in, from, or referred by the Auckland and/or Waitemata DHB;
3. A copy of any agreement (*current or expired in the past 12 months*) between Counties Manukau DHB and Auckland DHB or Waitemata DHB, for the provision of Gender-affirming "Top Surgery"
4. A record of any changes made to these policies or agreements, in the past 12 months;
5. The minutes from any meeting in which the above changes were decided.

As context for this response, Counties Manukau Health (CM Health) provides health and support services to people living in the Counties Manukau region (approx. 569,400 people), as well as regional and supra-regional specialist services (Burns, Plastics and Orthopaedics). Our services are delivered via hospital, outpatient/ ambulatory and community-based models of care.

In the metro-Auckland region, referrals for most gender-affirming services are referred to the care of the Centre for Youth Health (CfYH - for young people up to 25 years), and to the Northern Region Transgender Health Services (NRTHS). Publicly available information on the Hauroa Tāhine and Northern Region Transgender Health Services (NRTHS) service can be accessed via the Health Point website at the following link, and may be of interest:

- <https://www.healthpoint.co.nz/public/sexual-health/northern-region-transgenderhealthservices/>
- <https://www.healthpoint.co.nz/public/paediatrics/kidz-first-centre-for-youth-health/>

Please refer to these links (above) for information on the available services, including current information on availability of a range of other supportive services and resources.

We are aware that in recent months, concerns have been raised via a number of sources about regional access to specialist gender-affirming Surgical Services in the northern region. Our regional commitment to this community's ongoing health needs is undiminished, however, any further expansion of funding and specific transgender services can only occur if and when capacity and available funding allow. We work closely with the Ministry of Health to ensure there is equitable access to these specialist services for our population.

There are nationally consistent guidelines for referrals for genital re-assignment surgery, which are managed by the Ministry of Health, using the established High Cost Treatment Pool process.

We regularly respond to Official Information Act requests related to gender-affirming services for our community. These responses are published on our website and best identified by searching Transgender.

- <https://www.countiesmanukau.health.nz/about-us/official-information-act-requests/publicly-released-oias/>

With regard to your specific questions:

1. The DHB's policy on the provision of Gender-affirming "Top Surgery" to transgender patients in the Counties Manukau DHB;

There is no CM Health Policy in place specifically for provision to gender affirming top surgery. We must decline this part of the request under Section 9(e) of the Act – as we cannot supply a policy that does not exist.

However, and as noted above, access to any specialist gender-affirming healthcare across the northern region is initially via the Centre for Youth Health service and/or the northern region transgender health services via the Auckland Regional Sexual Health services.

Provision of all publicly-funded elective/ planned Surgical Services by DHBs to their population is managed via nationally consistent guidance from the Ministry of Health to all DHBs (including the Service Coverage Agreement, Operating Policy Framework, Inter District and Crown funding agreements).

Referrals for any planned/ elective plastic and reconstructive surgical services for people domiciled in the Counties Manukau DHB area are managed according to this guidance. Operationally, this is via a referral, either from a GP or other medical specialist for a First Specialist Appointment. All referrals (for any need not solely gender-affirming top surgery referrals), are assessed of receipt by a DHB clinician for triage and prioritisation of the case, prior to acceptance and appointment. We need to balance available capacity, clinical considerations and timing of all referrals received. This process has not changed.

General information about the type and scope of the CM Health Plastic and Reconstructive Services, and referrals is publicly available here:

- <https://www.healthpoint.co.nz/public/plastic-surgery/auckland-regional-plastic-reconstructive/>

2. The DHB's policy on the provision of Gender-affirming "Top Surgery" to transgender patients in, from, or referred by the Auckland and/or Waitemata DHB;

There is no documented CM Health policy in place specifically for provision to gender affirming top surgery for people in/ from Auckland and or Waitemata DHB.

We note that in late 2019, the Auckland and Waitemata DHBs (as the funders of health services for their communities) re-iterated their expectations for management of referrals for any surgery at another DHB to CM Health services, including for the management of gender-affirming related procedures. This communication stated that all referrals for surgical services must first go through the local DHB Surgical Service, to give visibility of the referrals, and to manage these in a manner that is locally consistent/ equitable with all referrals received for any planned/ elective surgeries.

3. A copy of any agreement (current or expired in the past 12 months) between Counties Manukau DHB and Auckland DHB or Waitemata DHB, for the provision of Gender-affirming "Top Surgery"

There is no current or expired agreement in place specifically for access/ referral to gender-affirming top surgery between the three DHBs. See response to question 2.

The regional delivery model for gender-affirming services means that there is a regional governance group, and there are regionally agreed clinical guidelines and pathways, as well as ongoing work on regionally consistent service development. This information is publicly available via the links above.

4. A record of any changes made to these policies or agreements, in the past 12 months;

See the notes above.

Action to ensure that the Auckland/ Waitemata DHB funder referral expectations are communicated to, and understood by all stakeholders - including to any people recently referred to services at CM Health has commenced, and will continue in early 2020.

The regional intention is to confirm a comprehensive Service Plan, and a consistent package of services, including approved explicit prioritisation processes for access. This work will need to be formally considered and approved by DHB clinicians, funders and also by the Ministry of Health.

5. The minutes from any meeting in which the above changes were decided.

There were no meeting minutes on this matter. The matter was first raised in August 2019 between employees at the three DHBs – including clinicians and funders, via discussions and email communications.

We believe that in the circumstances of this case, these communications reflect free and frank expression of opinions by a range of DHB employees. We believe that further disclosure of this material may adversely impact the development of robust and effective health services. The importance of maintaining effective conduct of public services through the expression of diverse

opinions is in the public interest, and we do not believe this is outweighed by release of information.

We do this under section 9(g)(1) – maintain the effective conduct of public affairs through the free and frank expression of opinions.

Formal written guidelines and pathways for this specific matter in the northern region will be addressed in early 2020, via the regional Transgender Governance Group. These will reflect the requirements of each DHB regarding referral management. It may take some months to finalise this work, following appropriate consultation with a range of stakeholders, and when complete the information will be made publicly available.

I trust this information satisfactorily answers your query. If you are not satisfied with this response you are entitled to seek a review of the response by the Ombudsman under section 28(3) of the Official Information Act.

Please note that this response or an edited version of this may be published on the Counties Manukau DHB website.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'F. Apa', with a stylized flourish above the name.

Fepulea'i Margie Apa
Chief Executive Officer
Counties Manukau Health