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Ms Rebecca Hilsenrath
Chief Executive
Equalities and Human Rights Commission
Fleetbank House, 2-6 Salisbury Square
London, EC4Y 8JX

CC: Mr David Isaac CBE, Chair

7 September 2017

Dear Ms Hilsenrath,

Joint Committee on Vaccination and Immunisation: Interim Statement on Extending HPV Vaccination to Adolescent Boys

This letter is sent on behalf of the Men and Boys Coalition, an umbrella organisation of over 60 charities, academics and professionals committed to tackling inequality and improving the wellbeing of men and boys in the UK.

We are formally requesting that the Equalities and Human Rights Commission publicly declares its position on the above Interim Statement. In addition, we would be grateful if you would set out the regulatory and enforcement powers the Commission will be using if the Department of Health/Public Health England agrees to uphold the recommendations the Interim Statement makes.

Both requests are based on ensuring that the HPV vaccination is extended to adolescent boys both as a matter of routine, and for free, in England (under Public Health England) as soon as possible. This would also align the public health and vaccination policy with girls of the same age, as well as acting as a catalyst for ensuring the same policy applies in Scotland, Wales and Northern Ireland. This would end this discrimination across the whole of the United Kingdom.

The above Committee has referred its Interim Statement to the Department of Health due to “the issue of equality of access” (page 21). It is therefore assumed that the Commission will be making a public declaration on its position given that this is an equality matter and falls under the remit of the Equality Act 2010 based on the issue of discrimination against those with protected characteristics. It also falls under the Public Sector Equality Duty and the obligations of the Department for Health and Public Health England in this area.

(1) Background

On 19 July 2017, the Joint Committee on Vaccination (an independent advisory committee of the Department of Health) published its [interim statement](#) on extending HPV vaccination to adolescent boys in the UK. This vaccination has been routinely and freely available for girls aged 12-13 since 2008. It is not available to boys, unless their parents pay for it privately (Boots charge £300 for 12-14 year old boys).

The Joint Committee’s interim statement states that the vaccination should not be extended to boys and whilst “*clearly there is benefit in vaccinating boys...*” (page20) it concludes that “*taking the evidence as a whole the Committee therefore is unable to recommend extension of the national HPV Programme to adolescent boys according to their most robust cost-effectiveness analyses undertaken*” (page 21). It is therefore basing its decision on financial reasons not the health of individual boys or matters of equality.

The Committee also states that it “*recognises the arguments made by stakeholders on the issue of equality of access and there are additional clinical benefits that could be achieved in males with a gender neutral programme*” (page 21). The Committee has referred the final decision to the Department of Health because of the equality issues and a further consultation has taken place.

A wide range of key national health organisations and charities have campaigned for boys to be vaccinated against HPV, routinely at the same time, as girls on both health and equality grounds. They also expressed their disappointment at the ruling and they will no doubt be taking in the further consultation due for the end of August 2017. These organisations include:

- British Medical Association
- British Dental Association
- British Association for Sexual Health and HIV
- The Faculty of Sexual and Reproductive Healthcare (FSRH),
- Royal Society for Public Health
- HPV Action
- Terrence Higgins Trust
- Cancer Research
- Men’s Health Forum
- Jo's Cervical Cancer Trust

HPV Action who have set out the health reasons for the need to vaccinate boys in their recent [briefing](#) also have conducted research that showed that “94% of GPs backed the expansion of the programme, with the same proportion saying if they had a son, they would want them to receive the vaccination. Both positions were also supported by 97% of dentists.”

(2) Public Statement and Enforcement Action

(i) Public Statement:

As defined by the Equalities and Human Rights Commission and the Equality Act 2010, this affects people primarily with the following protected characteristics:

- Gender (boys and men)
- Age (boys)
- Sexual Orientation (men who have sex with men, however, this also affects men who have sex with women as well).

Given that this interim statement wishes to continue with a discriminatory statutory and public policy that perpetuates a health inequality against boys and men that has been in place since 2008, it is of concern that the Equalities and Human Rights Commission has not already made a public statement or taken a public position on this matter.

In that regard, given that the Department of Health will be considering the equality implications of the Interim Statement of the Committee, this would be an opportune time for the Commission to public state what its position is.

We would be grateful therefore that this position statement be made available as soon as possible including any letter/statement that you send to the Secretary of State for Health and also the Minister of State for Women and Equalities

If the Commission is unable to take a public position on such a clear equalities issue, we would be grateful if you could confirm your reasons for this.

(ii) Enforcement

As set out in your powers, the Commission is the regulatory body responsible for enforcing the Equality Act 2010. Any decision made by the Department of Health through Public Health England not to provide HPV vaccinations for boys, whilst it rightly does for girls, is a clear breach of the Equality Act 2010.

This is based on the Interim Statement that admitted both that there are health benefits to boys/men and that the decision is based on financial considerations.

As set out on your website, there are a number of legal options open to the Commission from actual (or the threat of) Court Action to issuing a Compliance Notice to the Department of Health/Public Health England. If the Department of Health accepts the recommendations from the Interim Statement, there are clear grounds for a Judicial Review.

If the Department of Health accepts the recommendations, I would be grateful if you would also declare what enforcement action you will be prepared to take. It may be that in any correspondence with the Secretary of State for Health before a decision is made that you reiterate the legal powers that the Commission thankfully has. This may help to ensure that this discriminatory policy rapidly comes to an end after nearly a decade.

Thank you for your time and consideration and we look forward to receiving a favourable reply.

Yours sincerely

Mark Brooks
Co-Founder
Men and Boys Coalition

Annex 1

Joint Committee on Vaccination and Immunisation: Interim Statement on Extending HPV vaccination to Adolescent Boys (published 19 July 2017):
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224864/JCVI_Code_of_Practice_revision_2013_-_final.pdf

HPV Action: <http://www.hpvaction.org/why-its-time-to-vaccinate-boys.html>