

16th July 2015

Dear HM Assistant Coroner Britain

Inquest into the death of Oliver Asante-Yeboah

We write in response to the Regulation 28 report addressed to and received by the Care Quality Commission on 29th May 2015. The report concerns the very sad death of Oliver Asante-Yeboah following a non-therapeutic circumcision performed by Mr [REDACTED] who we understand, from your report, was certified to perform the procedure by the 'Initiation Society of Great Britain' (an organisation which supervises the training of Rabbis to perform circumcisions).

We understand that during the course of the inquest you heard evidence that the risk of urinary tract infections is increased after circumcision and that this risk is heightened where the procedure is undertaken in a 'nonmedical' setting. In this case on 2 November 2014 Oliver's parents took him to their local Emergency Department because he was feeding less well and his sleep pattern had altered. Analysis of his urine demonstrated the presence of an infection. Despite the institution of intravenous antibiotics and attempts to resuscitate him, he rapidly deteriorated and died later on 2 November 2014.

In your Regulation 28 report you have expressed concern that non-therapeutic circumcisions (surgical procedures) performed in a non-medical setting are not independently regulated by any official body or organisation. You have asked the Care Quality Commission to respond to these concerns in writing.

CQC Response to Regulation 28 report – inquest into the death of Oliver Asante - Yeboah

The Care Quality Commission is a statutory body and thus its functions, powers and regulatory remit are determined by statute and Regulations. Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and from 1 April 2015 the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 define the “regulated activities” the Commission is empowered to regulate.

Circumcision for the purpose of religious observance falls within the definition of “surgical procedures” in paragraph 7 to Schedule 1 (2010 Regulations) and paragraph 6 to Schedule 1 (2014 Regulations). However as paragraphs 7 and 6 each make clear the Commission’s regulatory remit is limited to circumcisions for the purpose of religious observance *when carried on by a healthcare professional*. Healthcare professional is defined in Regulation 2(1) of the 2010 and 2014 Regulations as being “a person registered as a member of any profession to which section 60(2) of the Health Act 1999 applies”.

The Commission therefore has no regulatory remit over non-therapeutic circumcisions performed for the purpose of religious observance where the individual carrying out the surgical procedure is not a healthcare professional. In this case we understand Mr [REDACTED] was not a healthcare professional.

In order to extend the Commission’s regulatory remit to cover non-healthcare professionals the 2014 Regulations would require amendment. This is not within the Commission’s power and can only be undertaken by the Secretary of State.

I hope the above clarifies the Commission’s position but should you require any further information please do not hesitate to contact me.

Yours sincerely,



Head of Registration - London and South