

Template Policy

Template Policy:	2013-04: Assisted conception treatments (ACTs) involving surrogates
Issue Date:	October 2015
Review Date:	October 2017
<p>Recommendation:</p> <p>The Brighton & Hove Assisted Reproductive Technologies Policy & Commissioning Group (ARTPCG) has considered up to date information on current guidance and legislation, a review of the literature, an assessment of the baseline position, views and opinions of stakeholders, equality assessment, and the impact of policy changes on patients and the wider population. Taking these into account, the Group recommends that:</p> <ul style="list-style-type: none"> • Assisted conception treatments involving surrogates are not funded within the local NHS for any patient group <p>See overleaf for details of supporting evidence and rationale.</p> <p>NHS Brighton & Hove Clinical Commissioning Group will always consider appropriate individual funding requests (IFRs) through its IFR process.</p>	

Supporting documents

HFEA, *Surrogacy*, <http://www.hfea.gov.uk/fertility-treatment-options-surrogacy.html>

KMCS Health Policy Support Unit (2013) *Assisted reproductive technologies – Final report*

Key findings and rationale

What is surrogacy?

Surrogacy is when a woman who is not the intended mother carries and gives birth to a baby for a couple or individual who want to have a child. Partial surrogacy uses sperm from the intended father and an egg from the surrogate. Here fertilisation is usually facilitated by artificial insemination or intra-uterine insemination (IUI). Full surrogacy involves in vitro fertilisation (IVF), with or without intra-cytoplasmic sperm injection (ICSI), and the implantation of an embryo which is not created using the surrogate's eggs.

What are the indications for ACT using surrogates?

Full or partial surrogacy may be considered an option for women who have a medical condition that makes it impossible or dangerous to get pregnant and/or give birth, for example:

- absence or malformation of the womb
- recurrent pregnancy loss
- repeated IVF implantation failures

Partial surrogacy can also be considered an option for single men and male same sex couples.

What national guidance exists on fertility?

In February 2013 NICE issued Clinical Guideline 156 (CG156), *Fertility: assessment and treatment for people with fertility problems*. Surrogacy was not included within the scope of CG156.

How are surrogacy arrangements made in the UK?

The Surrogacy Arrangements Act 1985 states that commercial surrogacy is illegal in the UK. However, the surrogate can be paid reasonable expenses such as travel expenses and loss of earnings. The HFEA states that fertility clinics cannot identify surrogates for their patients.

What are the legal issues around surrogacy?

Surrogacy arrangements are not legally enforceable, even if a contract has been signed and the expenses of the surrogate have been paid. The surrogate will be the legal mother of the child unless or until parenthood is transferred to the intended mother through a parental order or adoption after the birth of the child. This is because, in law, the woman who gives birth is always treated as the mother.

Why are assisted conception treatments using surrogates not available on the NHS for Brighton & Hove patients?

There are significant medico-legal issues involved in surrogacy arrangements that would pose risks to an NHS organisation funding this intervention.