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| Policy title | Surrogacy v1.1 |
| Policy position | Intervention Not Normally Funded |
| Date of Forum recommendation | May 2018 |

There are no studies into the long term physical, mental or social consequences for children, commissioning couples, hosts or the children of the host. In the absence of a clear legal and/or Department of Health position on the role and responsibilities of public bodies funding surrogacy, it is recommended that the **ICB does not normally fund surrogacy** cases.

There are two types of surrogacy

Straight surrogacy:

Straight (also known as genetic, full or traditional) surrogacy is when the surrogate provides her own eggs to achieve the pregnancy. One of the intended parents (IPs) provide a sperm sample for conception through either self-insemination away from a licenced setting or artificial insemination with the help of a fertility clinic. Self-insemination does carry risks if the sperm has not been screened for infections. If either the surrogate or IP has fertility issues or prefers a more clinical environment, then embryos may also be created in vitro and transferred into the uterus of the surrogate.

Host surrogacy:

Host (also known as gestational or partial surrogacy) is when the surrogate doesn't provide her own egg to achieve the pregnancy. In such pregnancies, embryos are created in vitro and transferred into the uterus of the surrogate using the gametes of at least one IP, plus the gametes of the other IP or a donor, if required.

Legal position of surrogacy

Altruistic surrogacy is an established and legal way of creating a family in the UK. Surrogacy agreements are not legally enforceable and the IPs need to apply for a parental order after their child is born in order to become the legal parents of the child. The legal framework allows for a surrogate to receive reasonable pregnancy-related expenses from IPs, as assessed by the family court.

Surrogacy through commercial means, is illegal in the UK (Surrogacy Arrangements Act 1985) and therefore it is an offence for an individual or agency to act on a profit-making basis to organise or facilitate surrogacy for another person. Any persons or organisations that organise or facilitate surrogacy must do so on a non-commercial basis. Where staff have suspicions that there is a commercial arrangement, they should contact their Lead for Safeguarding Children for further advice and guidance.

The Department of Health guidance

DoH (2018) Having a child through surrogacy

- The Surrogacy Pathway; Surrogacy and the legal process for intended parents and surrogates in England and Wales
- Care in Surrogacy; Guidance for the care of surrogates and intended parents in surrogate births in England and Wales

These documents explain how surrogates and intended parents can start a family through a surrogacy arrangement in England and Wales. The guidance also sets out best practice for healthcare professionals providing care to people having a child through surrogacy.

NOTE:

- This policy will be reviewed in the light of new evidence or new national guidance e.g. from NICE
- Where a patient does not meet the policy criteria or the intervention is not normally funded by the NHS, an application for clinical exceptionality can be considered via the ICB's Individual Funding Request (IFR) Policy and Process

Clinical coding: No coding available

Key words: Surrogacy