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What you need to know about the Welfare of the Child assessment

Introduction

During your first consultation at your fertility clinic, your doctor will ask you a number of questions about your medical history to determine the best course of treatment for you. Your doctor will also ask you a series of questions relating to your social circumstances in person or by asking you to complete a questionnaire. These questions are part of an assessment, known as the Welfare of the Child assessment, which clinics are required to perform in order to determine whether your prospective child is likely to face serious medical, physical or psychological harm.

Why do clinics ask these questions?

Fertility clinics offering treatments such as IVF, ICSI and egg or sperm donation operate under an Act of Parliament called the Human Fertilisation and Embryology Act. The Act requires clinics to consider the welfare of any child who may be born as a result of treatment and the welfare of any existing child of the family before they agree to provide treatment. It is the HFEA's responsibility to provide clinics with guidelines on how to comply with this legal requirement. These guidelines were last updated in November 2005.

What are the criteria for making the assessment?

The HFEA's updated guidelines now mean that there is a presumption to provide treatment, unless there is evidence that the child is likely to experience serious harm. This means that the vast majority of patients, whose circumstances raise no concerns at all, are able to proceed with treatment with the minimum of delay. However, it also means that where, in a small minority of cases, there are serious concerns about a prospective child's welfare, treatment may not be provided.

What kind of information are clinics looking for?

Clinics will ask you questions relating to the following issues:

- previous convictions related to harming children
- contact with social services over the care of existing children
- serious violence or discord within the family
- serious drug or alcohol abuse
- serious mental or physical conditions and
- risk to the child of a serious medical condition.

Will all patients undergo an assessment?

All women and their partners (if applicable) having any treatment at a clinic licensed by the HFEA must undergo a Welfare of the Child assessment. The assessment process is the same, regardless of whether you are having IVF, donor insemination, intrauterine insemination or any other form of assisted conception.

How will the information be collected?

Your clinic will collect information from you about the list of risk factors above. How and when the information is collected may vary: some clinics ask patients to complete a form to bring to your first consultation, whilst others discuss the issue when you first come to the clinic. Your doctor will record the answers that you provide in your notes which will be held in confidence.

If I answer yes to the questions asked, will I still be considered for treatment?

Each case is decided on an individual basis and patients' circumstances are given fair consideration. Some information provided by you might prompt your doctor to seek further information, but this doesn't necessarily mean that you will be turned down for treatment. The purpose of gathering information is to collect information about your specific circumstances, so that your doctor can assess whether your prospective child is likely to suffer serious harm. It is therefore important to give honest answers to the questions asked and to be helpful if further information is sought.

Will the clinic need to ask for information from anyone other than me and my partner?

Most of the time, your doctor will be satisfied from the information that you provide. Occasionally, he or she may wish to seek further information in order to understand your situation better. This may be from your GP, a relevant medical specialist or another relevant professional such as a probation officer. If your doctor does wish to contact such a person, he or she must first obtain your written consent to do so.

What if I don't want to consent to the clinic contacting my GP or other third party?

You don't have to consent to such contact, but your doctor will consider the fact that you have refused to consent when he or she decides whether or not to provide treatment. You may have a good reason why you don't want a particular person to be contacted. In such circumstances, it may help for you to suggest someone else who could provide the required information.

For how long is my assessment valid?

Your clinic should repeat a Welfare of the Child assessment if:

- it has been two years or more since your last contact with the clinic
- you have changed partner
- you have had a child, or
- there has been a significant change in your circumstances.

This is necessary because such changes in your circumstances may mean that new information needs to be taken into consideration.

Who will make the final decision about whether or not I get treatment?

Your doctor give approval for treatment to start once he or she is satisfied that your prospective child is unlikely to suffer serious harm. If there is a need for further information or consideration, your case will be discussed in confidence with other members of staff at the clinic. Ultimately, the person who is named on the clinic's HFEA licence (known as the person responsible) is responsible for the decision about whether or not to provide treatment.

Will the assessment process delay my treatment starting?

For most patients, the assessment process will be quick and straightforward. In some cases, however, more information and discussion may be needed. Clinics may refer particular cases to their treatment ethics committee for further advice. Each of these stages is likely to delay the start of treatment, though clinics should resolve matters with you as quickly as possible.

If I am turned down for treatment, what right of appeal do I have?

If, your clinic decides to refuse treatment as a result of the assessment, you will be given the following information:

- why you were refused treatment and, where appropriate, any circumstances which may cause the clinic to reconsider
- what other options are available to you and
- what counselling services are available to you.

If you feel that you have been unfairly treated or the clinic has failed to consider information that you think is relevant, the first step to take is to appeal to your clinic to reconsider the decision. If you feel that the clinic has failed to comply with HFEA guidelines, you should make a complaint to the HFEA.

Find out more

For more information about any of the issues discussed in this leaflet visit www.hfea.gov.uk