

# Guidance For Fertility Clinics

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How to support surrogacy patients



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# Introduction

This guide has been created to assist fertility clinics in providing support and care to both surrogates and intended parents throughout their surrogacy journey.

Surrogacy is a profound and life-changing experience, and it is essential that all parties involved receive the highest standard of support, information, and care.

Fertility clinics play a pivotal role in the surrogacy process. It is crucial for clinics to have a thorough understanding of all aspects of the surrogacy journey to provide comprehensive support to all parties involved.

This guidance aims to:

- Offer insight into what surrogates and intended parents are looking for from a fertility clinic.
- Improve the knowledge of healthcare professionals who are supporting surrogacy teams.
- Offer guidance on best practice for fertility clinics.

Our hope is that this guidance can help fertility clinics in the UK in providing insightful support to all those pursuing surrogacy in the UK.

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*“A knowledgeable and understanding clinic can improve the surrogacy process for both surrogates and intended parents alike - it can have a profound effect on your journey”*

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# Who are SurrogacyUK?

## Our History

Founded in 2002, our not-for-profit organisation is managed by a voluntary Board of Directors comprising of surrogates, intended parents, and external professionals. We have proudly facilitated the creation of over 500 families, including 60 new families in 2023. We employ 17 staff members, have around 40 volunteer peer support workers and hundreds of members organising social events for us each year. Our community has grown to a massive 2000 members – surrogates, known egg donors, intended parents and completed families.

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## Our Ethos

We believe that a successful surrogacy journey is built on a foundation of mutual trust, respect, teamwork, collaboration, and friendship, embodying our "Friendship First" philosophy. Surrogates and intended parents are committed to being open and honest about the child's creation and birth story, fostering lifelong friendships. Our mission is to create, complete, and support families through ethical surrogacy, ensuring that surrogates retain their body autonomy at all times.

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## Our Ethics

We strongly believe in altruistic surrogacy and do not advocate for commercial surrogacy in the UK. We believe that it is unethical for any organisation or person to profit through surrogacy. Although not yet regulated by the HFEA we do follow their regulations as we believe it is best practice for any surrogacy organisation. We strongly recommend that our members work with UK clinics.



# SURROGACYUK

To create, complete and support families through ethical surrogacy

# Surrogacy & the Law

## Legal Parenthood

At birth, the surrogate and their spouse or civil partner are legally recognised as the parents of the child created through surrogacy. A parental order is the legal mechanism that transfers parenthood from the surrogate and their spouse to the intended parents. Clinics must ensure that all parties have been thoroughly informed about legal parenthood and the eligibility criteria for a parental order, enabling them to give informed consent to the treatment.

## Eligibility Requirements

To be eligible for a parental order, the child must have been conceived through artificial methods, using the gametes of at least one of the applicants. If in a couple, both intended parents must be over the age of 18 and either married, civil partners, or in a long-term family relationship. At least one intended parent must be domiciled in the UK and must reside with the child when the order is made. Single people can access surrogacy if they are able to use their own gametes. Only reasonable expenses should have been given to the surrogate, and the surrogate must give their full and free consent to the parental order.

## Surrogate Consent

The surrogate, along with their spouse if applicable, must fully, freely, and unconditionally consent to the parental order. This consent must be informed and given freely, ensuring that the surrogate is not considered vulnerable. If there is evidence that the surrogate has been bullied, threatened or coerced (including financial coercion), they lack the capacity to consent freely. In such cases, the parental order can be revoked if it is proven that the surrogate did not consent freely.

## Surrogacy Agreements

Clinics should recommend that patients seek legal advice, or ensure that they have a good legal understanding. Surrogacy agreements are not legally enforceable and cannot be drafted by legal professionals. Instead, these agreements serve as a statement of intent, outlining the wishes and expectations of all parties throughout the surrogacy journey. Surrogacy organisations facilitate these agreements to ensure they are comprehensive and allow everyone the opportunity to express their views. It is crucial that these agreements are finalised before treatment begins, serving as proof that these important conversations have taken place.

Surrogacy law is a specialised field, and there are several legal firms that offer dedicated surrogacy services. It is important that anyone who does not meet the eligibility requirements for a parental order should be referred to a legal firm for expert advice and guidance.



# Implications Counselling



## Implications Counselling for Surrogates

As per the HFEA regulations, implications counselling for surrogates should address at a minimum:

- The risks to the surrogate's health (both physically, emotionally & mentally).
- Legal implications (including not consenting to a parental order).
- The risk of the intended parents not wishing to look after the child, or apply for a parental order post birth.
- The impact on the surrogate and their family.

However when surveyed, experienced surrogates expressed that the implications counselling they received didn't address the issues they would have liked to have gone through in more detail. Counsellors should consider including the following topics:

- The implications of a team breaking down during pregnancy, or post birth.
- The impact of the intended parents not being open and transparent with their child.
- The ongoing role of the surrogate and their family in the child's life.
- The impact of the intended parents relationship breaking down, or the death of an intended parent.
- The risk of the intended parents not wishing to continue a relationship post birth, and the impact especially on the surrogate's own children.
- The risk of reduced intimacy with the surrogate's partner, especially during periods of abstinence.
- The implications of the team ending without a pregnancy being achieved (including loss).
- Feelings on receiving negative feedback on becoming a surrogate, from both their wider family and people in general.

## Familial Teams

Additionally, special consideration should be given to cases where an existing friend or family member is acting as a surrogate for the intended parents, as these relationships can face additional pressures. Counsellors should be mindful of potential familial pressure on individuals to become surrogates and the feelings of guilt that may arise from not completing the surrogacy journey or deciding to end the arrangement.

# Implications Counselling



## Implications Counselling for Intended Parents

As per the HFEA regulations, implications counselling for intended parents should address at a minimum:

- Legal implications (including the risks of not applying for a parental order).
- Practical and financial matters.

A number of additional aspects should be considered when delivering implications counselling for intended parents:

- Feelings around the lack of control in a surrogacy journey, especially in regards to not being able to make medical decisions during the pregnancy.
- The risks of the surrogate withdrawing consent for the intended parents to attend medical appointments and/or the birth.
- The impact of a surrogate choosing someone other than the intended parents as a birth partner and the reasons for their choice.
- The risks of IVF and pregnancy on a surrogate and how that may impact them, especially addressing feelings of guilt and helplessness.
- The risks of a surrogate having additional expenses during the pregnancy that were not expected or planned for.
- Their feelings around the surrogate having an ongoing role in the child's life.
- Implications of not being open with the child about their origins and how that may impact their family on an ongoing basis.
- The implications of the team ending without a pregnancy being achieved (including loss).
- Feelings on receiving negative feedback on having a child via surrogacy from their wider family and the general public.

## Solo Parents/LGBTQI+ Parents

Additionally, consideration should be given to potential issues that solo parents and LGBTQI+ parents may face. These might include questions about the genetic parent, such as who is the child's mother or which intended father provided the sperm. Solo parents may need to discuss the implications of going through a surrogacy journey without a partner and explore what support networks they have in place.

Surrogates play a crucial role in the surrogacy process, and their well-being is of utmost importance.

An integral part of safeguarding this well-being is ensuring that surrogates retain full autonomy over their bodies throughout the IVF process. Even though the intended parents (IPs) are funding the treatment, the surrogate's choices regarding the type of IVF treatment must be respected.

This includes the right to choose an IVF protocol that aligns with their health, personal beliefs, and lifestyle.



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## Informed Choice

Surrogates can only provide informed consent for their IVF treatment when they are fully aware of all the available options.

Fertility clinics have a duty to ensure that surrogates are informed about the different IVF protocols, what each protocol looks like, the requirements of the surrogate and importantly the potential risks of each option.

Surrogates should be given the right to choose the option that best suits their individual needs and circumstances.

It is essential to recognise that the surrogate's choice should be based on what is right for them, not merely on what is convenient or preferred by the clinic.

## Transparency

Fertility clinics are encouraged to support the autonomy of surrogates by offering a range of IVF options. Clinics should take into account the surrogate's individual health profile, personal beliefs about medication, and how each treatment option might fit into her life.

It is essential that clinics are upfront about the IVF options they can offer. If a clinic is unable to provide all types of IVF treatment, this should be clearly communicated to the surrogacy team before any financial commitments are made. This transparency allows surrogacy teams to select a clinic that best meets their needs and preferences, ensuring that the surrogate can receive care that aligns with their personal circumstances.

# **Best Practice - Surrogates**

Listening to the voices of surrogates and understanding their experiences is crucial for developing practices that meet their individual needs. Patient experiences provide invaluable insights into the realities of surrogacy, highlighting areas where care can be improved. These best practice guidelines, informed directly by surrogates themselves, aim to help fertility clinics create a better service for patients which in turn can significantly improve the surrogacy journey for all involved.

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## **Respect the surrogate's right to privacy**

Always ensure that surrogates are treated with the utmost dignity during all procedures. Safeguard their privacy, especially during intimate procedures like transvaginal scans or embryo transfers. Communicate clearly before any procedure to avoid situations where the surrogate feels exposed or uncomfortable. Allow adequate time for the surrogate to prepare and compose herself, and ensure that any accompanying parties are mindful of her privacy. Surrogates may not feel comfortable undressing and having intimate procedures in front of their intended parents. Ensure that the surrogates medical information is only shared with them. It is the surrogate's information to share with the intended parents, should they wish. Be mindful about what information the surrogate may want to keep confidential – don't assume, always ask.

## **Look at each surrogate as an individual**

Avoid a "one-size-fits-all" approach. Instead, adapt treatment plans to the specific circumstances of the surrogate, considering her personal health, previous experiences, preferences and their responsibilities (such as childcare and work). Remember most surrogates will not have fertility issues. Understand that their needs and experiences may differ significantly from those of women dealing with infertility. Recognise that surrogates often have a deep understanding of their own bodies. Trust their insights and be open to discussions about their care.

## **Be clear communicators**

Surrogates may have to organise time off work and book childcare to attend appointments. Ensure that you communicate your requirements and expectations well in advance so that they can plan their time effectively. Avoid last minute changes to plans or instructions and ensure that they are informed of any updates as soon as possible. Surrogates should be provided with a detailed timetable of what to expect, including the purpose and importance of each appointment and procedure. Ensure any information on treatment plans are clearly communicated to all parties.



# Best Practice - Intended Parents

Listening to the experiences of intended parents is essential for fertility professionals who seek to provide exceptional support throughout the surrogacy journey. The insights shared by IPs offer a valuable perspective on the challenges they face, highlighting areas where care and communication can be enhanced. These best practice guidelines, directly informed by the experiences of intended parents, are designed to help fertility professionals better understand and address the unique needs of IPs.

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## Be clear about your policies

Clearly explain your specific requirements for surrogates upfront, before any financial commitments are made. This includes medical criteria, necessary tests, and any procedural protocols that the clinic mandates for surrogates. By doing so, intended parents can make fully informed decisions and avoid unexpected costs or complications later in the process. Ensure that IPs are given a clear understanding of all associated costs, including additional expenses related to the surrogacy process. Ensure that the costs are fair and justified, and that you provide clear explanations for any differences in pricing compared to standard IVF treatments

## Provide one point of contact

Assign a dedicated contact person or team for each surrogacy case to streamline communication and ensure personalised support. This helps in managing the process more effectively and reduces the likelihood of errors or delays. Ensure this point of contact has received training on surrogacy in the UK, and that they have an excellent understanding of the process and the specific requirements of a surrogacy team. Ensure that administrative processes, such as obtaining records or scheduling appointments, are handled efficiently. Streamline your administrative processes to ensure that form filling and consent gathering is done in a timely manner.

## Understand how UK surrogacy works

Ensure that staff are aware of how a UK surrogacy journey works, the language that should be used and how the close knit friendships between surrogates and intended parents can influence a journey. Be mindful that it may have taken some time for the team to reach this point in their surrogacy journey and that they may be eager to get started. Understanding of the bonds between intended parents and a surrogate is key when discussing treatment plans, timelines and different options if not successful. It isn't easy for intended parents to "find another surrogate" if a transfer does not work, and they may not want to change their team.



# Useful Information for Clinics

## Checks and preparation undertaken by SurrogacyUK

All SurrogacyUK members complete a series of checks and preparation steps before beginning a surrogacy journey. These ensure that every participant is informed, emotionally ready, and appropriately supported, and that all journeys take place safely and ethically.

### **Core checks for all members:**

- Completion of an online application form.
- Review of health records to confirm medical suitability for a surrogacy journey.
- DBS check and Welfare of the Child check.
- Application review with a counsellor, providing space to explore motivations, expectations, and emotional preparedness.
- Safeguarding checks at key points throughout the journey to ensure ongoing well-being, transparency, and non-coercive practice.

### **Preparation and readiness:**

All members undertake a structured preparation process designed to help them fully understand the legal, emotional, and practical aspects of surrogacy. This includes education on UK surrogacy law, informed consent, the importance of relationship-led journeys, and open, transparent communication. Members are encouraged to reflect on the long-term implications of surrogacy, including maintaining healthy relationships and openness with any children born through the process.

### **Additional surrogate support:**

Surrogates also receive tailored one-to-one preparation with the Surrogate Applications Team and are assigned a dedicated Surrogate Mentor who provides individual guidance and support during their first six months of membership.

Only once all checks, preparation, and safeguarding steps are complete may individuals begin forming teams within SUK.

## Typical timescales for a surrogacy journey

Because SurrogacyUK's approach is relationship led, timelines can vary depending on personal connections, readiness, and treatment factors. Most journeys follow this pattern:

- **Membership and community involvement:** Members attend social and networking events to build friendships naturally. This stage can last 18 months plus.
- **Forming a team:** Members spend at least 3 months getting to know each other once an initial offer of help has been received to decide if they would like to move forward together.
- **Completing the surrogacy agreement:** Once a surrogate and IP(s) decide to work together, they complete a detailed Surrogacy Agreement – treatment must not happen before an agreement is in place.
- **Clinic treatment:** Treatment follows once agreements are in place. Timeframes vary based on medical circumstances and outcomes.

From initial membership to starting treatment, most journeys take around 18 months to 3 years, depending on relationships, treatment timing, and individual circumstances.



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