
Welfare of the Child Information

THE WELFARE OF THE CHILD

'A woman shall not be provided treatment services unless account of the welfare of any child who may be born as a result of the treatment (including the need of that child for a father), and of any child who may be affected by the birth' – Human Fertilisation and Embryology Act 1990 13(5).

As a licensed unit, we are required by law to satisfy ourselves that we know of no medical or social reasons why a couple might not be suitable to be offered treatment, including anything that may adversely affect the welfare of any resulting child.

In order to take into account the welfare of the child that may be born from fertility treatment, we will be asking to complete a simple questionnaire. These forms will then be assessed in the clinic, by the consultant or by one of the senior fertility nurses. In some circumstances it may be necessary to also to contact your GP, in order for them to make a written assessment to support your case for treatment. Further support or assessment via our unit counsellor may be necessary to support your case for treatment, but this will all be carefully explained to you by the clinician in the clinic. If our enquiries give cause for concern eg: evidence that prospective parents have had children removed from their care or evidence of a previous relevant conviction, it may be necessary for us to make further enquiries through the Social Services Department, Probation Service or Police Department.

Treatment may be refused on clinical grounds if the Unit believes that it would not be in the best interests of any resulting or existing child to provide treatment.

Couples are given a fair opportunity to state their views before any decision is made and meet any objection raised to providing them with treatment. In certain situation, a case may be referred to our Ethics Committee. This is an independent body of professional and lay people who meet regularly to advise the hospital. The Ethics Committee have a responsibility to ensure

that the couple's treatment, taking into account their circumstances, is ethically acceptable. Their decision is final and the Unit will abide by any decision made by them.

Parental Responsibility

When an unmarried couple is being treated, the male partner will not have 'parental responsibility'. Parental responsibility is defined by the Children Act 1989 as 'all rights, duties, powers, responsibilities and authority which by law a parent of the child has in relation to the child and his property.' Section 2 of the Act states:

1. Where a child's father and mother were married to each other at the time of his birth, they shall have parental responsibility for the child.
2. Where a child's father and mother were not married to each other at the time of his birth
 - The mother shall have parental responsibility for the child.
 - The father shall not have parental responsibility for the child, unless he acquires it in accordance with the provisions of the Act.

Unmarried couples are therefore recommended to seek their own legal advice about the male partner's rights and responsibilities in relation to the potential child who may be born as a result of the treatment.

The Government intends to amend the Children's Act 1989, so that an unmarried father who registers his child's birth jointly with the mother will acquire parental responsibility without further formality.