

CHILDREN'S VOICES IN SURROGACY LAW



Parent/Carer Information Sheet

The Research Project

This research project is being undertaken by Professor Kirsty Horsey (University of Kent), Dr Katherine Wade (University of Bristol), and Dr Zaina Mahmoud (University of Liverpool). This project aims to gather and analyse the views of children and young people on surrogacy, focusing on both surrogacy as a method of family formation and on upcoming law reform in the UK.

This project gather these views in two ways:

- (1) Focus groups (children must be aged 8-18)
- (2) Collection of artwork on the theme “What Surrogacy Means to Me”. This will be shown as an online digital exhibition, and may be presented at public exhibitions.

WHAT WOULD THE RESEARCH INVOLVE FOR YOUR CHILD?

Focus Groups/Interviews

If your child takes part, they will either:

- be part of a group of 2-4 young people of a similar age who will come together for approximately 90 minutes.
- take part in one-on-one interviews or an interview with their sibling group.

Whether we hold focus groups or interviews depends on logistical considerations regarding how many participants are available on the same day in the same age range.

The researchers will ask questions on the current law on surrogacy and recent proposals for legal reform, using a deck of specially designed playing cards.

The focus groups will likely take place in London, unless appropriately sized groups can be more easily assembled elsewhere.

Potential questions for the focus group are below. Please familiarise yourself with these and ensure you are comfortable with your child speaking about these issues.

Please note: if your child takes part, your child should be aware of whether they were born through gestational or genetic surrogacy and/or whether donor gametes were used.

Collection of Artwork

If your child takes part, they do a piece of artwork either at home or at the focus groups. This can be a poem, drawing, painting, collage, piece of digital media, animation and should fall under the theme: "What surrogacy means to me". Your child should include their name, age and a short description on the back.

What happens next?

Anonymised data from the focus groups/interviews will be analysed. Common themes will be identified and analysed. Given their visual nature, data from the 'Digital Wall' will be thematically coded and analysed by the researchers. The results of the analysis will be published in a report or publication, publicly available.

The artwork will be made into a digital exhibition online and may also be shown at public exhibitions/conferences. The artwork will be labelled anonymously, e.g., Girl, age 14, Boy, age 12.

What can we provide to facilitate participation?

For participation in the focus group/interview, we can pay the travel costs for your child(ren) and one parent/carer. If you live far from the location of the focus group or interview, we can pay for overnight accommodation for one parent/carer and child(ren).

Lunch will be provided to the children. We will also give your child(ren) a small gift for taking part.

DETAILS ABOUT THE PROJECT

Who is funding the research?

The University of Kent is funding the research.

Was the research subject to ethics approval?

This study has been approved by the University of Kent Law School's Research Ethics Committee.

What are the possible benefits of taking part?

The law on surrogacy was recently reviewed by the Law Commission of England and Wales and the Scottish Law Commission and they published a report in March 2023 which was given to the government. The law reform proposals they made are particularly relevant for children born through surrogacy and the children of surrogates, as reform recommendations relate to parenthood, access to origin information and payments to surrogates. We think that it is imperative that the law reform process should take into consideration children's views and experiences. To date, their views have not been considered. This project is therefore timely and gives young people who have experience of surrogacy the opportunity to have their views heard in a public setting in front of important stakeholders, like members of Parliament and judges. We have carried out two phases of this research and this research was cited in the Law Commissions' Report, Building Families through Surrogacy: A New Law (2023) and the Nuffield Council on Bioethics, Policy Briefing Note on Surrogacy in the UK (2023). Our [reports](#) were sent to the Department of Health and Social Care and stakeholders in the UK (including SurrogacyUK, My Surrogacy Journey, Brilliant Beginnings, COTS, CAFCASS, HFEA, practitioners and judges).

We think such an experience could be beneficial for your child(ren) in building their confidence and public speaking skills. It will show they are civically engaged and willing to contribute to societal change, a positive and empowering personal experience and may be an impressive achievement they can draw on in the future, (e.g. in job interviews or university applications).

What are the possible risks of taking part?

It is possible that when your child(ren) talk(s) about their experiences, they could remember a difficult interaction and become upset. It is also possible that children/young people could have very different views and get frustrated or annoyed.

We are taking the following measures to reduce the potential risks:

1. We will only recruit children/young people who are aware that they were born through surrogacy. This point is likely to come up in discussions and we do not want children/young people to be questioning this or become upset that they do not know information that others do.
2. We will conduct the focus groups/online meetings and interviews by reminding everyone to wait for their turn to speak and be respectful in expressing their views. We do this with a “Code of Conduct” card which remains visible throughout. We will tell the children/young people that if they feel upset, they can tell the researcher during any stage of the process. The researchers can escort your child to another room/online meeting. They can have a chat with them in private and decide whether to speak with you, as well.
3. Children will also be told that they do not have to answer anything they do not want to. Children have a card to hold up if they do not want to answer.
4. A parent/carer must consent to the involvement of their child/children in the project. The focus groups/interviews will be held without parents/carers present. However, one parent/carer must bring their child/children to the focus group/interview and collect them. If any issues arise in the focus group with a child, the researchers can speak with the parents and the child afterwards. The researchers will have the phone number of the parents to contact them if the child wishes.
5. All of the meetings with your child(ren) will be in the presence of two adults. All members of this research team have Disclosure and Barring Service (DBS) certificates.

What if my child needs further mental health support?

We can offer your child a form from the National Health Service with information about mental health support services, that your child(ren) can contact, if they wish: <https://bit.ly/3sAdOpk>

For example, [The Mix](#) provides a free confidential telephone helpline and online service that aims to find young people help with any problem. [Kooth](#) is a free, safe and anonymous online mental wellbeing community, accredited by the British Association for Counselling and Psychotherapy. Children/young people can also contact [YoungMinds Crisis Messenger](#) and [SHOUT](#) 24/7 by texting YM to 85258 or SHOUT to 85258, if you felt like you were very upset. We have included this information in the information form for children.

Here is a link to storybooks from a surrogacy organisation which talk about being surrogate-born, if your child(ren) indicate(s) that they would like resources on this.

<https://brilliantbeginnings.co.uk/surrogacy-resources-for-families/>

Here is a link to resources for parents if they wish to speak with their child(ren) about donor-assisted conception from the Donor Conception Network: <https://bit.ly/3K7tcQ4>

AGREEING TO TAKE PART

Parents who are happy for their children to take part in this research should complete the enclosed consent form. This says that you have read the information in this leaflet and that you are happy for your child(ren) to be involved. You can withdraw your child(ren) at any time.

It is important that children also give consent to take part by completing their part of the form. If children do not want to take part they will not be invited or made to participate, even if their parents consent.

What if there is a problem?

If you are unhappy about any aspect of the conduct of this research project, please contact Professor Kirsty Horsey, using the contact details provided. If you would rather express your concerns to a person who is not part of the research team, please contact klsresearchethics@kent.ac.uk.

Data Protection

All information gathered during the research will be anonymous and not linked to children's names. The research team will store and manage all data gathered during the research in accordance with existing data protection legislation which is currently the Data Protection Act 2018 (which includes the regulations known more commonly as GDPR). This means that:

- We will be clear about what we are doing in the project, and what we are doing with the data.
- We will use all information fairly and accurately. We will keep it secure, and use it only in ways that are relevant to the project.
- We will replace children's names by ID numbers. The names will be stored securely on a university Secure Computer, and will only be available to the lead researcher. There will be no way for anyone else to identify children within the research. The names will be deleted 10 years after the project is finished. If a parent/carer or child lets us know that a child is leaving the study, we will delete all data that we have collected about that child, provided we have not already included the data in a publication.

FOCUS GROUP/INTERVIEW QUESTIONS

Parenthood in Surrogacy

1. What makes somebody a parent?
2. When a child is born through surrogacy, who do you think the parents should be?
3. What do you think of Parental Orders? (these are explained)
4. One of the reasons for the rules that we have is to allow the surrogate to change her mind. What do you think of that?
5. In order to be able to apply to the judge to become the legal parents, one of the intended parents has to be genetically related to the child. What do you think of that?

Contributions to Surrogates

1. What kinds of things do you think intended parents should be allowed to give surrogates?
2. Should intended parents be able to pay a surrogate?
3. Some people think that surrogates should not be paid because children born through surrogacy would not want to know that their surrogate had been paid. What do you think of that?

Origin Information

1. Should children born from surrogacy be told that they were born this way?
2. Should children born from surrogacy know who their surrogate was?
3. Should children born through surrogacy know whether the surrogacy was traditional or gestational?
4. If the surrogacy involves egg or sperm donation, should children born through surrogacy be told about this?
5. When/at what age should children be told and who should tell them?
6. Is it important for children to have contact with their surrogate?
7. Should children of women who act as a surrogate know whether the surrogacy was traditional or gestational?

Navigating Surrogacy in their Social Worlds

1. Do you tell people you are born through surrogacy?
2. Do you explain that it was carried out outside of the UK?
3. Do you have to explain it?
4. What do people think?
5. Do you learn about surrogacy in school?
6. Is there anything you would like to add about your experience of being born through international surrogacy?

FIND OUT MORE

Thank you for taking the time to read this information on this project. We hope it is informative and we hope to hear from you soon.

If you have any questions, please do get in touch with the research team by emailing

k.horsey@kent.ac.uk