Informed consent for paediatric clinical trials in Europe

Pirkko Lepola,1,2 Allison Needham,3 Jo Mendum,4 Peter Sallabank,5 David Neubauer,6 Saskia de Wildt7

ABSTRACT

Objective Paediatric clinical trials are often conducted as multinational trials. Informed consent or assent is part of the ethics committee approval for clinical trials. The consent requirements vary between countries due to national laws and regulations, which are not harmonised in Europe. These discrepancies can present challenges for paediatric clinical trials. The aim of this study was to assemble these consent and assent requirements across the European Economic Area. The collated national requirements have not been publicly available before, despite a real need for this data.

Methods National consent and assent requirements for paediatric clinical trials were analysed and collated for 25 European Union Member States and 2 European Free Trade Association countries until the end of 2014. The data were retrieved from existing databases and through communication with the competent authorities and selected ethics committees. Results from a literature search for international or national guidelines, declarations and conventions and academic societies’ publications served as comparison material.

Results Consent and assent requirements are heterogeneous across these countries. We compiled our findings in 'The Informed Consent and Assent Tool Kit', a table including 27 national consent and assent requirements listed by individual country.

Conclusions Wide variation in paediatric consents and assents presents challenges for multinational paediatric trials in Europe. The toolkit is available for all those involved in paediatric clinical trials and ethics committees, providing a new platform for proactive feedback on informed consent requirements, and may finally lead to a needed harmonisation process, including uniform standards accepted across Europe.

INTRODUCTION

Clinical trials (CTs) in children are often conducted as multinational, multicentre trials, necessitated by small patient populations, rarity of disease and limited specialist facilities. As CTs need a separate regulatory framework for paediatric trials, the pharmaceutical industry and investigators spend much time and resources preparing documentation and correspondence to these submissions.

In January 2007, the European Union (EU) Paediatric Regulation (EU Commission) No 1901/20061 came into force requiring the conduct of more paediatric CTs to facilitate the development and accessibility of medicinal products for children. A further EU CT Regulation will come into force after 28 May 2016,2 but while this harmonises the clinical trial application (CTA) process, it does not address the diversity in review and conduct of EC approvals at each site.

The process of obtaining EC approval (with consent or assent requirements for children) is not harmonised in the EU. Despite internationally accepted ethical principles3–11 and several EU-level guidelines,12–16 this area presents a major challenge for paediatric CTs across the EU. Although the doctrine of consent is an ethical cornerstone of medical research conducted in humans, special provisions for children vary between and, in some cases, within countries due to differences in national laws and practices.

Within the European Economic Area (EEA), three regulatory frameworks govern the conduct of paediatric research: the Convention on Human Rights and Biomedicine (the Oviedo Convention);12 Directive 2001/20/EC (European
RESULTS

Assent and consent: differences in use and definitions
Both the term ‘consent’ and ‘assent’ are interpreted differently in legal texts between EEA countries. Generally, each country’s national legislation includes legal age ranges and requirements for either consent or assent from a child, in addition to any legal (parental or guardian) signatures. The definition of these two terms rests on the need of these signatures: either given by the trial subject alone, or in conjunction with the parents/guardians. Usually, consent is defined according to the legal age limit of majority, which differs between countries. This is not the case in all countries, like the Netherlands where infant informed consent is needed, in addition to parental consent in children between 12 and 17 years of age. Assent is a non-legal agreement, and an additional parental/guardian signature (consent) is always required before the participation of the child in a trial is legally accepted.

Differences in consent and assent age limits and legal signatures
In most of the EEA countries, 18 years is the legal age for independent consent, but the following exceptions should be noted: 14 years in Austria, 15 years in Finland and Denmark and 16 years in the UK. These exceptions come with certain limitations and with the obligation to notify parents/legal guardians. However, across all the EEA countries, 32 different age groupings to the legal age exist for recommended additional assent or consent needed from the child participating in the CT. These groupings include, for example, 4–11 years, 12–14 years and 14–17 years. Only three countries (Croatia, Lithuania and Slovakia) have not specified age groups for assent or consent.

Differences are also seen in the requirement of signatures from parents or legal guardians. Seventeen countries (63%) require signatures of both parents in addition to the child’s own assent or consent. Specific guidelines with consent form templates and additional aid material (eg, pictures) for children in paediatric CTs have been generally accepted by some EU member states (eg, Finland and UK).

DISCUSSION

The United Nations Convention on the Rights of the Child defines a child as everyone under 18, unless, ‘under the law applicable to the child, majority is attained earlier’. For children below that age, there are noticeable differences between national and organisational regulations on ethical consent in paediatric CTs. These concern specifically non-uniform age limits and age ranges, different definitions for legal consent and the requirement of parental or legal guardian signatures.

It appears that these criteria, for unknown reasons, are not uniformly defined in European guidelines or recommendations. We also found that the international and the ethics societies’ guidelines and recommendations rarely detail consent or assent procedures for children, often very generic instructions without specific definitions. For the greater part, these criteria do not seem to be based on the developmental stage of the child and his/her competency level for informed consent or assent. Competency, in addition to health condition, is important for determining further actions if trial subjects reach the age of majority during the study and need to give their own (legal) consent to continue.

The terms ‘consent’ and ‘assent’ are also not defined in general guidelines and are not harmonised across the EEA. Some European countries use the term consent for both minors
Table 1 The Informed Consent and Assent Tool Kit—informed consent requirements for paediatric clinical trials in Europe

<table>
<thead>
<tr>
<th>Country</th>
<th>Legal age of consent†</th>
<th>Mandatory/suggested age ranges defined for consent (or consent if assent not used)‡</th>
<th>Consent/assent from child*</th>
<th>Consent from parent(s)/guardian(s)</th>
<th>General informed consent information</th>
<th>Consent template(s)/guidelines/information sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>18 years</td>
<td>4–11 years (some sites do not use under 12 years)</td>
<td>One parent at recruitment, but both parents at some point for signatures</td>
<td>Dutch, French; German at site request</td>
<td>Do not have paediatric templates</td>
<td><a href="http://www.fagg-afmps.be/en/human_use/medicines/medicines/research_development/ethic_committee/templates_informed_consent/">http://www.fagg-afmps.be/en/human_use/medicines/medicines/research_development/ethic_committee/templates_informed_consent/</a></td>
</tr>
<tr>
<td>Bulgaria</td>
<td>18 years</td>
<td>6–11 years</td>
<td>Both parents</td>
<td>Bulgarian</td>
<td>No national EC websites available in English Bulgarian Drug Agency -&gt; clinical trials</td>
<td><a href="http://en.bda.bg/index.php?option=com_content&amp;view=category&amp;layout=blog&amp;id=14&amp;Itemid=34">http://en.bda.bg/index.php?option=com_content&amp;view=category&amp;layout=blog&amp;id=14&amp;Itemid=34</a></td>
</tr>
<tr>
<td>Croatia</td>
<td>Nothing specified</td>
<td>Nothing specified</td>
<td>Nothing specified</td>
<td>Croatian</td>
<td>Agency for Medicinal Products and Medical Devices of Croatia -&gt; Central Ethics Committee -&gt;</td>
<td><a href="http://www.almp.hr/?ln=en&amp;dw=0_SEPu">http://www.almp.hr/?ln=en&amp;dw=0_SEPu</a></td>
</tr>
<tr>
<td>Czech Republic</td>
<td>18 years</td>
<td>7–11 years</td>
<td>Both parents. Only by one parent if the other parent is not listed in the child's birth certificate, has died or is younger than 18 years.</td>
<td>Czech. Where the child’s parents (or one of them) are foreign nationals, the information sheet shall be presented in bilingual format.</td>
<td>State Institute for Drug Control -&gt; Details of clinical trials / Guidelines and Forms / KLH-22 V.1:</td>
<td><a href="http://www.sukl.eu/medicines/klh-22-version-1">http://www.sukl.eu/medicines/klh-22-version-1</a></td>
</tr>
<tr>
<td>Finland</td>
<td>15 years</td>
<td>Written separate consent as soon as child is literate; under 15 years—own consent + parental consent; 15–17 years—own consent + parental notification if minor can understand the significance of research+direct health benefit is expected</td>
<td>Parent or legal guardian and the child, when they are literate, need to sign the consent. One parent by the law, but the other one can be informed (both can sign if they want).</td>
<td>Finnish, Swedish</td>
<td>Medicines Research Act 488/1999 Medical Research Decree 986/1999</td>
<td>Additional info: FinPedMed guidelines; legal and ethical regulation—templates for age groups 6–17 and parents</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Country</th>
<th>Legal age of consent†</th>
<th>Consent/assent from child*</th>
<th>Mandatory/suggested age ranges defined for consent (or consent if assent not used)‡</th>
<th>Number of required signatories</th>
<th>Consent from parent(s)/guardian(s)</th>
<th>General informed consent information</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>18 years</td>
<td>Both parents</td>
<td>Based on EC—usually two or three age groups</td>
<td>Both parents</td>
<td>French</td>
<td>Comité de Protection des Personnes Sud-Méditerranée II : <a href="http://www.cpp-sudmed2.fr/">http://www.cpp-sudmed2.fr/</a> Information-et-autorisation-des?-lang-fr National Consultative Ethics Committee for Health and Life Sciences: <a href="http://www.ccre-ethique.fr/en">http://www.ccre-ethique.fr/en</a></td>
</tr>
<tr>
<td>Germany</td>
<td>18 years</td>
<td>Both parents</td>
<td>7–11 years 12–16 years 17 years—own consent +parental consent required</td>
<td>Both parents</td>
<td>German</td>
<td>German Ethics Council; <a href="http://www.ethikrat.org/%E2%80%94no">http://www.ethikrat.org/—no</a> information for clinical trials Landesärztekammer Brandenburg—information available ONLY in German. <a href="https://www.laekb.de/">https://www.laekb.de/</a> ICF Guidance <a href="https://www.laekb.de/files/146A97FF999/AMG_Patienteninfo_Kinder_7bis11.pdf">https://www.laekb.de/files/146A97FF999/AMG_Patienteninfo_Kinder_7bis11.pdf</a></td>
</tr>
<tr>
<td>Iceland</td>
<td>18 years</td>
<td>One parent— the EC can request both parents’ signatures in some cases.</td>
<td>Under 12 years</td>
<td>One parent</td>
<td>Hungarian</td>
<td>The National Bioethics Committee (<a href="http://www.vsn.is/en/node/189">http://www.vsn.is/en/node/189</a>) The Parliament; <a href="http://www.althingi.is/english">http://www.althingi.is/english</a> -&gt; <a href="http://www.althingi.is/lagasafer/log-samthynkkat-a-althingi/">http://www.althingi.is/lagasafer/log-samthynkkat-a-althingi/</a> -&gt; The Act of Law, No. 44/2014, on scientific research within the health sector defines the conditions for biomedical research and the role of the bioethics committees <a href="http://www.althingi.is/lagas/nuna/20140444.html">http://www.althingi.is/lagas/nuna/20140444.html</a> Several laws and regulations on data protection, medicines, biobanks and health information collections (2014), etc.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Country</th>
<th>Legal age of consent</th>
<th>Mandatory/suggested age ranges defined for consent (or consent if assent not used)</th>
<th>Number of required signatories</th>
<th>Official language requirements</th>
<th>Consent template(s)/guidelines/information sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Netherlands</td>
<td>18 years</td>
<td>12–17 years If parents are divorced and they both have parental rights, they both have to sign. For a single parent, without another partner with parental rights, one signature is enough.</td>
<td>Both parents.</td>
<td>Dutch</td>
<td>Central Committee on Research Involving Human Subjects (CCMO) -&gt; Human Subject -&gt; Informed Consent—information available only in Dutch. <a href="http://www.ccmo.nl/en/">http://www.ccmo.nl/en/</a> -&gt; <a href="http://www.ccmo.nl/en/minors">http://www.ccmo.nl/en/minors</a></td>
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Table 1 Continued


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<table>
<thead>
<tr>
<th>Country</th>
<th>Legal age of consent</th>
<th>Mandatory/suggested age ranges defined for assent (or consent if assent not used)</th>
<th>Consent from parent(s)/guardian(s)</th>
<th>General informed consent information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poland</td>
<td>18 years</td>
<td>6–11 years 12–15 years 16–17 years</td>
<td>One parent Practice—both parents</td>
<td>Polish <a href="http://www.eurecnet.org/information/poland.html">http://www.eurecnet.org/information/poland.html</a> No national EC websites available in English</td>
</tr>
<tr>
<td>Portugal</td>
<td>18 years</td>
<td>0–8 years 8–12 years 12–17 years</td>
<td>Both parents</td>
<td>Portuguese <a href="http://www.eurecnet.org/information/portugal.html">http://www.eurecnet.org/information/portugal.html</a> CEIC—National Ethics Committee for Clinical Research <a href="http://www.inflamed.pt/portal/page/portal/CEIC/English">http://www.inflamed.pt/portal/page/portal/CEIC/English</a> No national regulations/acts available in English</td>
</tr>
<tr>
<td>Romania</td>
<td>18 years</td>
<td>Under 6 years 6–10 years 11–14 years 15–18 years</td>
<td>Both parents</td>
<td>Romanian <a href="http://www.adsm.ro/ro/comisia+nationala+de+bioetica+a+medicamentului+i+s+i+a+dispozitivelor+medicale">http://www.adsm.ro/ro/comisia+nationala+de+bioetica+a+medicamentului+i+s+i+a+dispozitivelor+medicale</a> No information available in English</td>
</tr>
<tr>
<td>Scotland  (UK)</td>
<td>16 years</td>
<td>0–5 years 6–10 years 11–15 years</td>
<td>One parent</td>
<td>English <a href="http://www.hra-decisiontools.org.uk/consent/principles-children.html">http://www.hra-decisiontools.org.uk/consent/principles-children.html</a> and <a href="http://www.ukctg.nihr.ac.uk/default.aspx">http://www.ukctg.nihr.ac.uk/default.aspx</a></td>
</tr>
<tr>
<td>Slovenia</td>
<td>18 years</td>
<td>9 years—assent 15 years—with own signature</td>
<td>One parent</td>
<td>Slovenian Republic of Slovenia National Medical Ethics Committee -&gt; <a href="http://kme-nmec.si/">http://kme-nmec.si/</a>—only front page No additional information available.</td>
</tr>
<tr>
<td>Country</td>
<td>Legal age of consent</td>
<td>Mandatory/suggested age ranges defined for assent (or consent if assent not used)</td>
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<td>Official language requirements</td>
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<td>------------------------------</td>
</tr>
<tr>
<td>UK</td>
<td>16 years</td>
<td>0–5 years 6–10 years, 11–15 years</td>
<td>One parent</td>
<td>English</td>
</tr>
</tbody>
</table>

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*Consent/assent from child*: this information has been mainly collected via the normal daily work and notes of the CRO Company, PRA Health Sciences (UK), when preparing EC submissions for national authorities. Some of this information is not available in English, nor publicly available in regulatory authority’s web pages. In addition, some English-translated text versions may include inaccurate terms or explanations, which could give rise to different interpretations. Therefore, the authors cannot guarantee 100% accuracy for all national requirements. In addition, this table is a snapshot of the data gathered in 2014, which might have subsequently changed.

† Legal age of consent: legal age of consent means the age from which a child is able to give and sign their own independent legally valid consent according to the national law/act/regulation. Children below this age limit are incapable of giving legal informed consent and need parental/legally authorised guardian’s informed consent with a signature to participate in a clinical study. Parental/legally authorised guardian’s informed consent may be obtained/sought in addition to the child’s own consent/assent, or when the child above the age limit is incapable to sign consent due to a difficult physical condition.

‡ Mandatory/suggested age ranges defined for assent (or consent if assent not used): these mandatory or suggested age ranges are defined in national regulation/law/act, for a child below the legal age of consent and for own informed consent or assent (depending on the terminology used in legal texts). This consent or assent is obtained in addition to the legally valid parental/legally authorised guardian’s signed informed consent. This type of child’s own assent/consent supports the child’s integrity and rights, creates the opportunity to hear their own opinion, supposed will and possible dissent, thus respecting the child’s autonomy in the informed consent process.
(older children below legal adult age) and parents (legal guardians). Usually, the term assent refers to a child’s or minor’s agreement to the trial (not legally valid on its own), while consent is documented through legal signature(s) by the parents (guardians) or the child, when the child is above the legal age.

There are more than 1000 ECs in Europe,35 which result in substantial variability of EC compositions and practices,36–38 with consequently a certain degree of inconsistency in the required consent and assent documentation for multinational and multicentre trials. Moreover, much time and resources may be needed to obtain approvals. To manage these inconsistencies and to reduce the duplicative workload, sponsors are recommended to perform an iterative or sequential review at each participating institution or country.

The European Medicines Agency (EMA) has evaluated the impact of the Paediatric Regulation after its first 5 years of being in force.39 So far, the regulation has not yet led to more paediatric CTs in Europe, although there are plans to conduct CTs with enrolment of more children.39 Still, the initiation of new CTs may be hampered by the practical obstacles of complex EC processes.

Currently, it is not possible to seek European-wide legislative changes for EC practice harmonisation, as the practice for one EC will not necessarily work for another without concerted effort to achieve harmony. However, an expert group has designed model consent and assent forms for different paediatric age groups,40 which could be applied across Europe. Furthermore, better definitions of the concepts of ‘understanding’, ‘capability’, ‘capacity for autonomous decisions’ and ‘moral understanding of altruism’ could greatly support a harmonisation process.

To solve these problems, we suggest the following measures:

▶ Uniform, commonly accepted standards and guidance across Europe/EEA
▶ Definition of the lowest age limit to consent and assent requiring own signatures in addition to parental (legal) consent until the legal age of majority permits independent consent
▶ Fundamental discussion to create more detailed definitions of assent and consent and to decide whether these terms could be harmonised and used with similar principles for paediatric population
▶ Standardised structure and reading level requirements of consent and assent documents, including recommendations for legal guardian’s (parental) signatures
▶ A master consent/assent template in all national languages being publicly and readily available.

‘The Informed Consent and Assent Tool Kit’ was updated mainly until the end of 2014. As national-level regulations and laws may change over different intervals, the accuracy of the data and linked documents are dependent upon regular review. The Enpr-EMA’s central aim is to enhance and promote the conduct of paediatric CTs in Europe. This toolkit being publicly available free of cost on the Enpr-EMA website meets this aim. Please go to: http://www.ema.europa.eu/Partners&Networks/ Networks/Enpr-EMA/Enpr-EMA activities, or directly at: http://tinyurl.com/h2xr1r. With this toolkit, we hope that all stakeholders will proactively provide feedback via the Enpr-EMA, to keep this toolkit up to date and fostering discussion on harmonisation of EC procedures needed for paediatric trials across Europe.

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