

birthrights

Unassisted birth

What is unassisted birth?

Unassisted birth, often called 'free birth', is the term used to describe a woman's decision to give birth at home or elsewhere without the assistance of a healthcare professional.

It does not refer to giving birth at home before the planned arrival of a healthcare professional, known as 'born before arrival'.

There may have be other people, such as family members or a doula, present at an unassisted birth.

Is it legal to give birth without assistance?

Yes. Women are not obliged to accept any medical or midwifery care or treatment during childbirth and cannot be compelled to accept care unless they lack mental capacity to make decisions for themselves. See our factsheet, [Consenting to Treatment](#).

Can I face sanctions for giving birth without assistance?

You cannot face any legal sanctions for giving birth without assistance. However, some healthcare professionals may believe that you are placing her unborn child at risk and that your decision raises a 'child protection' or 'safeguarding' issue and might threaten to make a referral to social services.

Healthcare professionals should not refer a woman to social services solely on the basis that she has declined medical support, as she is legally entitled to do. Social services referrals

ought to be based on an assessment of whether there is a significant risk of harm to the child after it is born.

If a referral to social services is made on the basis that a pregnant woman has declined medical attention, social services will decide whether to instigate a child protection investigation. See our factsheet, [Social Services and Maternity Care](#) for further details.

Can my birth partner be prosecuted for supporting me?

[Article 45 of the Nursing and Midwifery Order](#) (applicable throughout the UK) makes it a criminal offence for anyone other than a registered midwife or doctor to 'attend' a woman during childbirth, except in an emergency. This offence is not intended to prevent birth partners from supporting women, but they must ensure that they do not assume the role of a midwife by performing midwifery functions, such as monitoring the progress of labour. A person convicted for this offence cannot be imprisoned, but they may incur a fine of up to £5,000.

How do I register my baby after an unassisted birth?

It is a legal requirement for all babies to be registered with 42 days after birth with the Registrar of Births and Deaths in the area in which the baby was born. A baby can be registered by their mother or by either parent if they are married. The circumstances in which unmarried and same sex couples can register a baby's birth are explained [here](#).

When a baby is born in hospital or at home under the care of a midwife, a notification form for the Registrar will be completed by the hospital or midwife. This form provides evidence to the Registrar that the birth occurred in their district. If the birth is unattended, this notification will not take place and the baby's parents will need to inform the Registrar themselves. They may be asked to provide



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evidence that the birth took place in the Registrar's district. This might include a statement from someone who was present at the birth or soon afterwards or a letter from the GP confirming when the baby was registered with them.

Disclaimer: Our factsheets provide information about the law in the UK. The information is correct at the time of writing (April 2017). The law in this area may be subject to change. Birthrights cannot be held responsible if changes to the law outdate this publication. Birthrights accepts no responsibility for loss which may arise from reliance on information contained in this factsheet.

