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*Protecting human rights  
in childbirth*

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Registered address:  
Birthrights  
Union House  
111 New Union Street  
Coventry CV1 2NT  
0300 400 30 400

17<sup>th</sup> June 2020

Dear Ms Luhr,

I am writing to you from the human rights in childbirth charity Birthrights, regarding the provision of home birth services by Frimley Health.

I want to assure you that we understand the unprecedented pressures on health systems created by COVID-19, and the difficult decisions that were taken, particularly early on in the pandemic. However you will also be aware of the impact these decisions have on women and the national guidance around returning services to normal as soon as possible.

From a legal perspective, Trusts are able to restrict a woman's right under Article 8 of the European Convention on Human Rights to choose the circumstances of her birth, but *only if* the restriction is lawful, has a legitimate aim (such as protecting the health of others) and if the action taken is proportionate. In order for a restriction to be proportionate, Trusts must show that that they have explored all reasonable options to address the hurdles faced, such as entering into contracts with Independent Midwives, bringing back retired staff, or negotiating a temporary standard operating procedure with the local ambulance service.

Withdrawal of services such as home birth should not be taken lightly given the benefits of home birth which were set out in guidance on provision of midwifery-settings from the RCM on the 9th April:

"The positive impact of midwife-led birth settings is well documented, including reductions in the need for a range of medical interventions. These positive impacts remain of significant importance to prevent avoidable harm, and availability of midwife-led care settings for birth should therefore be continued as far as is possible during the pandemic."

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birthrights.org.uk  
info@birthrights.org.uk  
@birthrightsorg  
Registered charity number 1151152  
Patron: Nadine Montgomery

**birthrights**



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We have recently been contacted by a significant number of women who do not feel safe giving birth in hospital, even in a midwife-led setting, and who are considering, or indeed have, given birth without assistance. Where a Trust has not thoroughly investigated how the issues of staffing and safe transfer challenges could be addressed, resulting in a risk to life or a significant adverse outcome, the Trust could be legally liable.

It is therefore a matter of safety that women are being denied a home birth by Frimley Health and the onus is on you as a Trust to show that withdrawing home birth services continues to be a proportionate response to the local situation you face. We are concerned that you are telling women both in your FAQs on your website and via your Facebook page that the home birth service has been suspended due to unprecedented pressure on the ambulance service. We have contacted SECamb directly and they have confirmed that as far as they are concerned ambulance response times would not prevent you running your home birth service at present. We are aware that other Trusts in the area covered by SECamb are offering home births. We also understand that the South Central ambulance service may cover some of your area but have no reason to believe that they are unable to respond to home births at present either.

We have had sight of a response from Frimley Health PALS (sent 17<sup>th</sup> June) which suggests that home birth services are not suspended due to pressure on ambulance services, or on staff shortages (reasons set out in the RCM/RCOG guidance) but on national guidance around social distancing. However this is not preventing the vast majority of Trusts from operating a home birth service. Whilst we do appreciate that midwives may be nervous about re-starting a home birth service, the needs of women also need to be taken into consideration. The RCM has produced [this guidance](#) about how midwives can keep themselves safe whilst supporting home births.

We ask you urgently to:

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- share the risk assessment that was undertaken to reach the decision to withdraw home birth services and any recent reviews of this decision, so that we can be clear on the reasons for the continued suspension of your home birth service

- confirm that your Maternity Voices Partnership Chair was involved in these decisions in line with NHS England guidance

If you cannot offer adequate justification for not supporting women who want to give birth at home, we ask you to review your position immediately.

We look forward to your most urgent response.

Yours sincerely,

Maria Booker  
Programmes Director - Birthrights

Cc Chair - Frimley & Wexham Maternity Voices  
Jenny Hughes - Regional Chief Midwife  
Catherine Williams - Regional User rep