



*Protecting human rights
in childbirth*

Registered address:
Birthrights
Union House
111 New Union Street
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0300 400 30 400

28th January 2020

Dear Mr Kalinka,

I am writing to you from the human rights in childbirth charity Birthrights, to share the external legal opinion we have sought on Trusts/Boards refusing to allow requests from pregnant women and their families to stream or record ultrasound appointments, and to ask you to withdraw and urgently review your guidance on this matter. The legal opinion concludes that “a blanket prohibition on the use of streaming or recording during antenatal appointments in circumstances where the support partner is unable to attend in-person with a pregnant woman is likely to be unlawful, discriminatory and violate both Articles 8 and 14” of the European Convention on Human Rights.

The advice, prepared by Shu Shin Luh of Doughty Street Chambers with support from Irwin Mitchell, makes clear that “there is a well-established body of clinical evidence showing that partner participation in antenatal appointments and through a woman’s pregnancy improves maternal and foetal health.” However the clinical nature of partner participation appears to have been ignored or disregarded in the Statement from the Society and College of Radiographers (SCoR), the British Medical Ultrasounds Society (BMUS), the Royal College of Obstetricians (RCOG) and the Royal College of Midwives (RCM) and none of the reasons listed in the Statement provide an adequate basis for outweighing this clinical benefit. Furthermore “providing a woman with a 10-30 second clip of the scan does not fully address the clinical importance of facilitating proper patient participation.”

Alongside other organisations, we wrote to you on the 22nd April 2020 setting out women and birthing people’s concerns about attending scans alone and offering to work with you on guidance that addressed both the concerns of sonographers and the concerns of women and families.

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We also wrote to you again more recently on the 10th November, along with other organisations who have between us heard from thousands of women affected by visitor restrictions at scans.

We are very disappointed that rather than engaging constructively with women's genuine concerns, SCoR's response has been to dismiss them as "populist attacks". We hope that in future engaging with service users will become a normal and expected mode of operation, as it is in nearly all other areas of maternity services.

Whilst advisory in nature, SCoR's current guidance falls short of the standards the law expects, and we would urge you to withdraw it immediately so that it can be reviewed; a process Birthrights and others would be happy to help with. We will be writing separately to Public Health Wales and other individual Board and Trusts who are prohibiting filming or streaming of scan appointments at present.

We look forward to your most urgent response.

Yours sincerely,

Maria Booker
Programmes Director – Birthrights

Cc BMUS
RCOG
RCM