

Your right to NHS services: NHS charges

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Do I have a right to NHS maternity care?

Yes. Everyone is legally entitled to medical attention from healthcare professionals throughout their pregnancy, childbirth and after their baby is born. This includes all standard scans, blood tests, midwifery and obstetric care and specialist care if needed.

This is because serious and occasionally life-threatening complications can occur in pregnancy and childbirth so maternity care is considered 'immediately necessary' even if you have been told that your pregnancy is low risk.

Article 2 of the [European Convention on Human Rights](#) protects everyone's right to life. It requires every country to give everyone access to basic life-saving services. These services include maternity care.

This means that you have a right to NHS care. For many people in the UK this care is free. Some people can be charged for their care. But you should still be given care even if you cannot pay. Your care cannot be refused or delayed because you cannot pay, or because the hospital is not sure whether you need to pay.

This factsheet sets out the situation in England. The charity [Maternity Action](#) has factsheets with more information, including [information if you are in Scotland, Wales or Northern Ireland](#).

Can I be charged for maternity care?

Everyone in the UK is entitled to NHS maternity care whatever their citizenship or immigration status is.

Like NHS treatment generally, maternity care is free to those who are 'ordinarily resident' in the UK. This can include foreign nationals.

This factsheet sets out the rules about NHS charging in England.

The rules about who is considered 'ordinarily resident' for the purposes of NHS charging are complicated. They depend on your nationality and immigration status, and on the circumstances of your residence in England. Free NHS maternity care is not available to British citizens if you do not ordinarily reside in this country.

- [Maternity Action](#) has an [information sheet](#) which gives a guide to who is considered 'ordinarily resident'.

If you are not 'ordinarily resident' then you still may not have to pay for NHS maternity care if you are in an 'exempt' group. For example, if you have claimed asylum and are waiting for a decision, you have been granted refugee status, or you are a UK Government employee or their spouse or civil partner. You should also not have to pay once you have been granted Leave to Enter or Remain in the UK if you either paid the Immigration Health Surcharge as part of your application to enter or remain in the UK, or were exempt from paying.

- These rules are also complicated. [Maternity Action can provide advice](#).

If you are not 'ordinarily resident' in England, or are not exempt from paying, then Trusts are required to charge you for your care.

Even if you cannot pay for your care you must still be given maternity care. You must receive this care even in early pregnancy. Care must not be delayed or refused even if you cannot pay. This is

because of the health risks of pregnancy and childbirth.

If you are not resident in England and are told you must pay for maternity care, this includes maternity care in hospital, in the community and at home.

The NHS Trust must tell you if you will be charged for your maternity care. The amount you are charged will depend on how complex your care has been. The cost may not be easy to predict. The minimum that you can expect to be charged for maternity care resulting in a birth is around £7000 (as of 2021). Maternity Action are able to offer [further advice](#) on how costs are calculated.

If you sadly have a miscarriage you also have the right to care but will be charged if you are not 'ordinarily resident' or exempt from paying.

If you are charged for your maternity care and you cannot afford to pay, the Trust must discuss a repayment plan with you. The plan should be based on your income and expenses.

The NHS is required to tell the Home Office about unpaid charges of over £500 which have been outstanding for more than two months. The NHS cannot tell the Home Office if you have agreed a repayment plan with them and are sticking to it. You can seek free help with understanding the rules and agreeing a repayment plan from [Maternity Action](#) or from [Citizen's Advice](#).

- The charity [Maternity Action](#) can provide information on NHS charging for maternity care, and can help you to challenge charges for NHS care. They have an email advice service. They also offer a [free telephone advice service](#) including telephone interpreting.

Will my baby have the right to free healthcare?

The rules relating to NHS charging for babies born in England to people who may be chargeable for NHS care are also complex. The [NHS gives information](#) about situations in which your baby will have the right to free NHS healthcare. [Citizen's Advice](#) and [Coram Children's Legal Centre](#) can also provide information about children's rights to free NHS healthcare.

About Birthrights

Birthrights factsheets give you information about your human rights when you are pregnant and giving birth.

- Contact Birthrights for help on our [advice form](#) or by emailing advice@birthrights.org.uk.

Birthrights champions respectful care during pregnancy and childbirth by protecting human rights. We provide advice and information to women and birthing people, train doctors and midwives, and campaign to change maternity policy and systems.

We are a charity, independent of the government and the NHS.

www.birthrights.org.uk

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