

Social services and maternity care

Social services & maternity: the key facts

This factsheet describes your rights in relation to social services and maternity care. If you have other questions about social services and your family the charity [Family Rights Group](#) can help.

What do social services do?

Social services teams are part of your local council. Their job includes helping people who are in need of additional support or are at risk of harm. This can include helping babies and children, and also helping adults with certain care needs.

The part of social services that works with children and their families is called children's services (we use 'children's social services' to refer to these teams).

Children's social services departments have two main responsibilities:

- To support children and their families. This can include providing information, advice and signposting to other services.
- To work to protect children who are suffering harm or are at risk of harm. This second type of work is called 'child protection' or 'safeguarding'.

Why might I be referred to children's social services?

A referral can happen if healthcare professionals have good reason to think that:

- You are struggling, or will struggle to meet the needs of your baby

when it is born, and may need additional support, or

- Your child will be at significant risk of harm once they are born. Significant harm means that the way a child is cared for is seriously damaging their health or development.

This factsheet gives more information about the processes children's social services must follow when they receive a referral. It refers to processes in England.

Can I be referred to children's social services because of my birth choices?

Doctors and midwives must not refer you to children's social services on the basis of your birth choices only. You have the right to make any choices you wish to regarding your birth even if it might result in your death or the death of your baby.

Doctors and midwives must never use the threat of calling in children's social services to make you choose a treatment or care that you do not want.

Even if healthcare professionals do not agree with your choices, it is your right to decide where you give birth, who attends you, and the treatment and care you want.

Social services & maternity: what are my rights?

What does this factsheet cover?

This factsheet describes your rights in relation to social services and maternity care. If you have other questions about social services and your family the charity [Family Rights Group](#) can help. They also offer [specialist advice for](#)

young parents including young parents who are care experienced.

How can I get support from local services?

If you think you need some support during your pregnancy, or might want support when the baby is born, you can talk to your midwife about what support might be available from local agencies and services. Each area should have support services that are available to families, without children's social services being involved. For example, your midwife might suggest support from a health visitor or a local parenting group. This type of support may be called 'early help'.

If you have particular needs, for example if you are disabled and think you might benefit from additional support, your midwife might suggest contacting adult social services for an assessment and support. Or they may contact children's social services if they think you and your child may need extra help, support and services. This is called 'child in need' support/services. Children's social services can assess your situation to work out if your child is likely to be a child in need. They can decide whether they will be in need enough to receive services and to find out what extra support or services may most help your child and your family.

What happens if someone is worried about my child?

Anyone can tell children's social services that they are worried about a child's welfare, including members of the public. This is called making a referral.

Hospitals, birth centres and GP surgeries have named people who deal with child protection issues. They follow set rules for the way they tell children's social services that they are concerned about a

child. These are called procedures or child protection policies.

An individual healthcare worker can make a direct referral themselves. They can make a referral when you are pregnant if they think your child may be at significant risk of harm once they are born.

Hospitals have rules (child protection policies) that set out how they deal with child protection issues. These rules say that healthcare professionals must talk with parents-to-be if they are worried about whether their child will be safe after their birth. They must obtain parents' consent before making a referral to social services, unless doing this may put the pregnant person's welfare, or the child's welfare once it is born, at risk of greater harm.

For example, if you are experiencing domestic abuse, the NHS in England says that you should be able to speak in confidence to a healthcare professional such as a GP or your midwife. They say that information should only be shared with social services without your permission if your child will be at risk once born or if any other people (including other children in your family) are at risk of serious harm.

This means that your doctors, midwives and nurses should not normally refer you to social services without your knowledge.

Can I be referred to social services because of my birth choices?

A baby does not have any rights separate to its mother until it is born. Therefore, even if a healthcare professional believes the baby may be harmed during birth because of your choices, this is not a good enough reason on its own to refer you to children's social services.

Midwives and doctors should never refer you to children's social services on the basis of your birth choices alone, or because you do not want to accept certain aspects of care. They must have a reasonable belief that your baby is threatened with significant harm once it is born.

For example, you can imagine two different women who are planning an unassisted birth. The first woman has had a previous traumatic birth and there is no evidence that the parents will have problems looking after the baby once it is born. The choice to have an unassisted birth in this situation should not raise concerns about the safety of the child once born.

In the second scenario, the midwife has visited the woman's home and seen evidence of heavy drinking or drug taking. The woman attends antenatal appointments erratically and then says that she plans to give birth without assistance. In this example, looking at the whole picture, it is likely that a children's social services referral may be made.

If you have made an informed decision to refuse care or to give birth outside hospital, you cannot be made to accept care or give birth in a hospital. The only reason you can be made to accept care is if you lack the mental capacity to make your own decisions about medical treatment, and this is very rare.

- You can read more about consent and mental capacity on our factsheets [Consenting to treatment](#) and [Mental capacity and maternity care](#).

If you give consent to aspects of care only because you were threatened with children's social services, your consent was not given freely. If a healthcare professional carries out treatment knowing that you did not freely consent to it, they could be taken to court.

Can a doctor or midwife refer my child to social services because I am disabled or have a health condition?

Healthcare professionals should never make a referral to children's social services just because you are disabled or have a physical or mental health condition.

Some disabled parents and those with health conditions may feel that they could benefit from extra help and support to care for their child. If this applies to you, healthcare professionals should work with you to find the best way to support you. They may suggest making a referral to see if adult social services, children's social services or both are able to offer you extra support and services.

Asking for, or agreeing to a referral for help of this sort should not raise 'child protection' concerns (that is, concerns about the safety of your child).

Asking for reasonable adjustments to be made during your maternity care should not raise child protection concerns.

- You can read more about reasonable adjustments in our factsheet [Disability and long-term health conditions: your right to reasonable adjustment in maternity care](#).

A healthcare professional can also make a referral to children's social care if they have evidence or are concerned that your condition may directly prevent you from meeting the needs of your child and that your child will be at significant harm once born. A healthcare professional should ask for your consent before making a referral to social services, unless they are concerned that this will put your welfare at risk, or the welfare of your child once born.

If you are referred to children's or adult social services for support for you or your child, or if safeguarding concerns have

been raised, any assessments should involve a 'multi-agency' team of professionals and specialists. This is to help make sure that they have expert input on your situation. It will help to make sure your needs and your child's needs are properly understood.

The purpose of any assessment should be clearly explained before it starts. There should be a chance to ask questions about it or to raise concerns. You should be told who will be doing the assessment, how long it will take and when it will be shared with you. You should be fully involved throughout. Professionals should listen carefully and respectfully to your plans for parenting.

Some people are very anxious about being assessed on how they plan to care for their baby. For example, someone with little use of their arms may fear that healthcare professionals will criticise their decision to use their mouth or legs when changing their baby. Or someone with a severe visual impairment may be worried that healthcare professionals will not understand that they are fully independent. Healthcare professionals and social workers should not assume that you will not be a good parent because of your impairments or health condition.

You may find it helpful to think about any support you might want. Your existing healthcare team might be able to help you think about this. You could talk to a trusted friend about what they think might be useful to you. You may also find it useful to talk to other parents with similar conditions about the parenting strategies that have worked for them. You can ask your healthcare team if they are able to put you in touch with someone who has had a similar experience. It may be helpful to make a note or a voice note (on your phone) about the support you think you might want.

If you are having any assessments, or if professionals have raised any concerns about your support needs, you can ask that professionals carry out any home visits, or come back for a return visit, after you have recovered from the birth and are able to use your usual parenting strategies. This might apply, for example, if you have had a c-section. You might want to test out things that are worrying you before your baby arrives if you can. For example, whether you can strap the car seat in comfortably if you use a wheelchair.

There are a number of organisations and networks which may be able to provide support and help, depending on your circumstances.

- [Family Rights Group](#) offers more information about the support that may be available to families with a disabled parent. They can also offer you advice if you have, or may have social workers involved in your children's life.
- [The Disability Law Service](#) can provide free legal advice for disabled people.
- [Mumslikeus](#) is a supportive network for disabled mothers and those who care to share resources, ideas and support for each other.
- [Remap](#) is a charity whose skilled volunteers custom-make equipment for disabled people, including baby care equipment.
- Charities such as [Scope](#) and [Mencap](#) can also offer advice and support to disabled parents. Organisations such as [Voiceability](#) can provide advocacy support.
- [The Elfrida Society](#) offers support to people with learning disabilities.
- The [Maternal Mental Health Alliance](#) provides and signposts to information and support on mental illness during maternity.

What if I have previously been involved with children's social services?

If you have previously been referred to children's social services, then you may be referred to them when you get pregnant again.

If you have previously had children who have been subject of care proceedings in the Family Court, children's social services are likely to want to see that your current situation is different. They will likely want to do a pre-birth assessment. It is worth working in partnership with the social worker. This will help to make sure that a good assessment is done and social workers have the right information about your current situation. It will help to make sure the right plan is in place once your baby is born. It is also important to carry on accessing maternity care and any other health services you need during your pregnancy and after the birth.

If you are a young person in local authority care, or who has previously been in local authority care, then children's social services should work with you to make sure that you have the help you need during your pregnancy and after the birth.

- The charities [Family Rights Group](#) and [Become](#) offer specialist advice and support to care-experienced young parents and expectant parents.

Can I be referred to children's social services because I have been involved in the criminal justice system?

This will depend on what happened in your situation. A referral should still only be made if there is a reasonable belief that your unborn child will experience significant harm once born.

If you are sent to prison whilst you are pregnant then it is highly likely that a

referral will be made to children's social services.

- The charity [Birth Companions](#) has a [guide to pregnancy, birth and early motherhood in prison](#) which describes what you can expect and how to access support.
- Information about pregnancy and childcare in prison is available on the [gov.uk website](#).
- The charity [Prisoners' Advice Service](#) has information about [children and the law](#) for women in prison.

What happens when a referral is made to children's social services?

The processes are slightly different in each nation in the UK. This factsheet refers to the English processes.

If children's social services receive information (a referral) about a child, they have things they must decide within one working day. They must decide whether to start an assessment. If so, they must decide what type of assessment they should do – should it focus on support or on child protection? If the child has already been born, they need to decide whether the child needs any immediate support or protection.

If your child is referred to children's social services, any assessments should involve a 'multi-agency' team of professionals and specialists. This is to help make sure they team have expert input on your situation. It will help to make sure your needs and your child's needs are properly understood. You should be fully involved throughout. Professionals should listen carefully and respectfully to you.

- The charity [Family Rights Group](#) has detailed information on what will happen if a child or unborn baby is assessed to see if they need [additional support](#), or if a child or unborn baby is thought to be [at risk of harm](#) (in need

of child protection). Sometimes an assessment will decide that no additional help is needed from children's social services.

Children's services should tell the person making the referral what action they plan to take. They should also tell you unless doing that will place the child at risk of harm.

A referral does not always lead to child protection involvement. Child protection enquiries are only made if children's social services receive information that makes them suspect that a child has been harmed or is likely to suffer significant harm. Significant harm means that the way a child is cared for is seriously damaging their health or development. At this level of harm children's services can become involved in a family's life even if this is against their wishes.

- [Family Rights Group](#) also provides information on what may happen if children's social services decide that a child needs immediate protection.

What does a pre-birth assessment mean?

When children's social services carry out an assessment in relation to an unborn child, this is called a pre-birth assessment.

A pre-birth assessment is carried out in a similar way to other children's social services assessments, but it happens before the baby is born. It aims to find out whether a family will need extra support, and/or whether a baby will be safe when they are born.

There can be different outcomes depending on the assessment. The assessment may conclude that the baby will need additional help once it is born. Or it may decide that there are concerns that it will suffer significant harm once it is born. Sometimes the assessment will decide that no additional help is needed from children's social services.

- The charity [Family Rights Group](#) provides [information and advice if you are told that a pre-birth assessment will be carried out](#). They also provide information about how parents-to-be can access extra help and support.

What should I do if my child is reported to children's social services?

It can be helpful to keep a constructive and civil conversation with social services if your child is referred to children's social services.

It may be useful to make a written note of key points of meetings and appointments with health and social work practitioners. You can do this in a notebook, or on your phone. If it is easier, you could make a voice note on your phone. Having a note can help you remember what has been discussed. You can ask if minutes (formal notes) of meetings are being prepared and when you will receive these.

- The charity [Family Rights Group](#) has a guide to [working with a social worker](#) including top tips to help you.
- [The Transparency Project](#) has a [guidance note](#) about recording meetings and discussions with social workers.

If you are told that social services are assessing your child or taking action to protect your child, you may wish to seek legal advice from a solicitor specialising in family law. Birthrights do not provide legal representation in family law cases.

The charity [Family Rights Group](#) provides [information about situations in which it is particularly important or urgent to have a solicitor, and top tips on working with them](#). These include if children's social services are starting 'pre-proceedings', which means that social services are thinking about whether they

will apply to the Family Court to become involved in your child's care.

If you need help from a solicitor regarding children's social services, then it is important to find a solicitor who is a specialist in children law, or who has 'Children Law Accreditation'.

Many solicitors offer one hour of free legal advice, and there can be legal aid available for situations involving children's social services. You can ask the solicitor if legal aid (public funding for legal costs) is available in your case. For example, if your child is subject to care proceedings – that is, if children's social services are applying to the Family Court to be involved in your child's care – then you will automatically get free legal aid to cover the cost of a solicitor advising and representing you.

- You can find a local solicitor who is a specialist in children law using this website:
<https://solicitors.lawsociety.org.uk/>
- The charity Family Rights Group offers more information on the situations in which you may be able to access legal aid.

Can I complain about being referred to social services?

If you think a healthcare professional threatened you by saying they would call social services, or made an unjustified referral to social services, you can make a complaint to their employer.

- You can find advice on how to make a complaint on our factsheet, **Making a complaint**.

If your complaint is about a social worker, you can complain to the local authority (council) social services department. They will have a formal complaints procedure. If you are unhappy with the result of your complaint, you can complain to the Local Government Ombudsman.

You need to complain as soon as possible. The NHS and social services ask you to complain within 12 months unless you have a good reason for not being able to.

- You can find more information about challenging decisions and making a complaint on the Family Rights Group website.

Law and guidance

What is child protection?

Child protection describes the policies, procedures and processes that children's services must follow if they ways that children's social services can intervene in families when they believe children are at risk of 'significant harm'. This is directed and guided by law, policies and procedures. The principles of child protection are similar in each nation of the UK but the processes vary slightly. This factsheet describes the processes in England.

Social services departments are part of local councils, also known as Local Authorities. The team that looks after children is called the Children's Services department. They plan and provide child protection services in the council's area.

The government's Department for Education is responsible overall for child protection. It provides guidance to social services.

Child protection principles are set out in the Children Act 1989.

- In Wales the law is set out in the Social Care and Wellbeing Act 2014. Welsh child protection processes are similar to those explained in this factsheet.

- In Scotland, child protection processes are set out in [National Guidance for Child Protection in Scotland](#).
- In Northern Ireland, the [Safeguarding Board Northern Ireland](#) oversees child protection.

In England, '[Working Together to Safeguard Children](#)' is the core government guidance on child protection. It is intended to provide a national framework. Local agencies and professionals use this framework to agree on their own practices.

The [Children Act 2004](#) established Local Safeguarding Children's Boards which make sure that the key agencies are involved.

Does child protection apply to unborn children?

In the UK, unborn children are not given legal recognition. However, child protection procedures can apply to parents-to-be if there is a reasonable belief that the baby will be at risk of significant harm when it is born.

What does significant harm mean?

The legal term 'significant harm' is defined in the Children Act 1989. It includes physical and non-physical ill-treatment and impairment of a child's health or development.

The guidance explains that there are no absolute criteria for determining what constitutes significant harm. The decision whether a child is at risk will be made by local social services departments. If they decide to start child protection proceedings, that decision can be challenged in a Court.

There is no national guidance on what constitutes a risk of harm to an unborn child. Local safeguarding children's boards and social services departments have varied protocols on protecting

unborn children. Common issues often identified in these protocols include:

- maternal drug or alcohol dependence
- domestic violence
- parent aged under 16
- parent who has previously harmed a child
- previous unexplained death of a child where abuse or neglect is suspected
- denial of pregnancy
- avoidance of antenatal care*
- non-cooperation with healthcare services and/or non-compliance with medical treatment*

*You have the legal right to decline antenatal care and to make your own choices in maternity care (see our [Consenting to treatment factsheet](#)) and these should not raise safeguarding concerns in isolation.

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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