

# Unassisted birth

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## What is unassisted birth?

Unassisted birth is often called 'free birth'. It means deciding to give birth at home or somewhere else without the help of a healthcare professional such as a midwife.

Unassisted birth does not mean giving birth at home before the midwife you planned had time to arrive. This is called 'born before arrival'.

You can have other people with you at an unassisted birth such as members of your family or a doula.

## Is it legal to give birth without assistance?

Yes. You do not have to accept any medical or midwifery care or treatment during childbirth.

No one can make you accept care unless you do not have the mental capacity to make decisions for yourself, and this is very rare.

You can read more about consent and about mental capacity on our factsheets *Consenting to treatment* and *Mental capacity and maternity care*.

## Will I be referred to social services for giving birth without assistance?

Some healthcare professionals may believe that you are placing your unborn child at risk by deciding to have an unassisted birth. They may think that this raises a 'child protection' or a 'safeguarding' issue. They may threaten to refer you and your baby to social services.

Healthcare professionals should not refer you to social services solely because you decided not to have medical support

during your labour. You are legally allowed to turn down medical support.

They should only refer you to social services if they have carried out an assessment that shows your child is at risk of significant harm after it is born.

If a healthcare professional decides to refer you to social services because you decided not to have medical assistance during labour, social services have to decide whether to accept the referral. If they do accept it, they must carry out an initial assessment to see if they need to take action within one working day. If the social worker thinks they need to take action they must then complete an assessment (called a pre-birth assessment if your child has not been born) within 45 days.

- You can read more on our factsheet [\*Social services and maternity care\*](#).

If the baby requires medical attention because they are unwell when they are born, and you do not seek medical assistance, then this is likely to be considered a safeguarding issue.

## Can my birth partner be prosecuted for supporting me?

Your birth partner can support you but must not act as your midwife.

It is a criminal offence throughout the UK for anyone other than a registered midwife or doctor to 'attend' someone during childbirth.

This means that your birth partner must not perform midwifery functions such as monitoring the progress of your labour but it is not intended to stop your partner supporting you. For example, your partner can 'catch' the baby and make sure the cord is not around their neck, and help you to place the baby onto you. They cannot do anything that you would need to be a qualified midwife to do, such as an episiotomy (a cut made during birth

to make the opening of the vagina a bit wider).

The law covering this is Article 45 of the [Nursing and Midwifery Order 2001](#).

A person convicted for this offence cannot be sent to prison but they can be fined up to £5000.

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### How do I register my baby after an unassisted birth?

If you have an unassisted birth, you must first 'notify' the birth to the Child Health Information Service within 36 hours. This is a legal requirement. It means that your baby will be given an NHS number and you will also be offered newborn screening. If you give birth with a midwife, they would do this. You can ask your local maternity unit or GP how to notify the birth if you are planning an unassisted birth.

Under law, you must also register your baby within 42 days of their birth. You must register them with the Registrar of Births and Deaths in the area in which your baby was born.

A baby can be registered by their mother, or by either parent if the parents are married. A trans man who has given birth is legally the baby's mother under current law.

- You can read more about who can register a birth on the [Government website](#).

When a baby is born in hospital, in a birth centre, or at home under the care of a midwife, the hospital or midwife will complete a notification form for the Registrar. This form provides evidence that the birth occurred in their district. If you have an unassisted birth you may need to provide evidence yourself that your baby was born in the Registrar's district. This could include a statement from someone who was present at the birth or soon after, or a letter from the GP

confirming when the baby was registered with them.

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### 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](mailto: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](http://www.birthrights.org.uk)

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