

BASIC BIRTH RIGHTS FACTSHEET

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

This factsheet explains your basic rights in maternity care. We have other factsheets available in English on our website: www.birthrights.org.uk

1. You have the right to be treated with dignity and respect at all times.

Human rights law means that public organisations like hospitals must treat you with dignity and respect.

Healthcare professionals (doctors and midwives) should be polite and respectful to you.

They must support you to make decisions about your care.

They must not make assumptions about you or what care you need.

Your healthcare professionals must make sure that you have an interpreter if you need one so you can make decisions about your care.

You should have privacy when you need it, for example during labour or if you are breastfeeding, and should not be left feeling exposed or vulnerable.

If you have particular needs, for example, you only want to see female healthcare professionals, then this should be respected if possible. If this is not possible – for example, you want pain relief during labour and there are only male doctors available – then you should be given the information you need to decide what to do.

If you have a disability or long term health condition, your healthcare professionals should make sure you have equal access to care and are not disadvantaged. This might mean giving you different or extra care, or providing you with support that you need (for example, having access to a disabled toilet, having extra support after you've had your baby, or a plan be somewhere as quiet as possible if noise causes you distress).

2. You always have the right to say no.

When you are pregnant you have the right to make your own decisions about your body, just as you do at any other time.

Health professionals must ask if you agree to any medical treatment. For example, they must ask before examining you, before taking your blood pressure, and before giving you pain relief. This is the law.

It is against the law to give you medical treatment unless you agree to it.

It is always ok to say no. This is called declining consent.

If you do want treatment and say yes, this is called giving consent.

You can ask for more time to make your decision if you need it.

Even if you give consent, you can change your mind.

Even if health professionals don't agree with your decisions about your body, they must respect them.

In law, your consent must be genuine. This means you must understand the treatment well enough to make a decision. You must be given information in a form you can understand, and information about both the risks and benefits that are important to you.

No one, including your family or healthcare professionals must put pressure on you or bully you into agreeing to have any treatment. You cannot be referred to social services solely because of decisions you make about your birth.

In law, a baby does not have rights until they are born. This means that during pregnancy and birth you cannot be given treatment unless you agree, even if healthcare professionals think that the treatment is needed by your unborn baby. You are free to make choices against medical advice.

The only time that other people can make decisions for you is if you lack the mental capacity to make a decision. This is very rare. When this happens, others (for example, your doctors) must follow legal processes in the Mental Capacity Act to make a decision in your 'best interests'.

3. When you ask for care, maternity services must start from 'yes' and only say no if they have a good reason.

If you want to access a service, the maternity provider should 'start from yes'. They should do their best to meet your request.

During your care, you have the right to make the choices that are right for you. For example, you have the right to choose where you give birth. You can choose to give birth in a hospital, at home or in a birth centre (a maternity unit that is run by midwives). You should be able to have a caesarean section if you want one.

Sometimes there are restrictions on your rights to make certain choices. For example, birth centres may have rules saying who can use them, or hospitals may have rules about who can have a water birth. These are not legal rules.

When you make a request of a maternity service, they should try to do what you want. They should only say no if they cannot safely give you the care you want.

They must make a decision based on your personal situation and explain the reasons to you.

They cannot just say that their policy or rules say no.

There are some choices that you can always make. For example, if you want to give birth at home, no-one can make you go to hospital. It is also legal to give birth without assistance from midwives or doctors.

If you are not being listened to, or your choices are not being respected, you can ask to speak to the Head of Midwifery (senior midwife). You can also contact Birthrights for advice by emailing: advice@birthrights.org.uk.

4. You have the right to have all your basic needs met.

If you are in hospital, you should be able to access all the basic things you need, for example, food, water, pain relief and support to go to the toilet.

You should be listened to and taken seriously when you ask for help or care.

If you ask for pain relief in labour, it should be given unless there is a good medical reason for saying no. If there is, your doctor or midwife should explain the reason to you and record your discussion.

If you are not being listened to, you can ask to speak to the senior midwife or doctor on the ward.

5. You have the right to be supported and to be together as a family.

Human rights give you the right to choose where and how to give birth, and who is with you.

You should be able to choose who is with you during labour. Hospitals and birth centres may have policies that say how many people can be with you, and they do not normally allow children to stay with you. These are hospital policies but they are not legal rules. You can talk to your midwife or ask to speak with a senior midwife if you are worried.

You can tell your midwife if there is anyone you do not wish to see during labour or after you have had your baby.

6. You have the right to complain.

You have the right to be treated with dignity and respect at all times during your care.

If you are worried about your care during your pregnancy, you can talk to your midwife or doctor, or to the Head of Midwifery (senior midwife) at your Trust.

If you are not happy with the answer, or if you think you were not treated with dignity and respect, you can make a complaint. It is ok to make a complaint even if you think what happened to you was minor or no serious harm was done.

The Patient Advice and Liaison Service (PALS) team at your hospital can help you make a complaint.

If you are not happy with the response, you can take your complaint to the Ombudsman.

Birthrights also offers free advice on your rights and on making a complaint. You can contact Birthrights by emailing: advice@birthrights.org.uk.

7. You always have the right to receive care.

People who are 'ordinarily resident' in the UK have the right to free NHS care. If you are not 'ordinarily resident' you may have to pay for your care.

Even if you have to pay for care and cannot afford to pay, you must still be given maternity care. You cannot be told that you have to wait until you can pay.

The rules about who has to pay, and how charging works are very complicated. If you are worried about whether you will have to pay for your maternity care, the charity Maternity Action can help. They offer online information. They also offer an email advice service and a free telephone advice service including telephone interpreting.