

Unassisted birth



Unassisted birth

What is unassisted birth?

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

Unassisted birth does not mean planning to birth at home with a midwife and then giving birth before the midwife arrives. This is called 'born before arrival'. (BBA).

You can have other people with you at an unassisted birth such as members of your family or a doula. They must not provide you with medical (also called "clinical") care though.

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. 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 have decided not to have medical support during your labour. You are legally allowed to decline any offers of medical support.

Healthcare professionals 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 they are 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 your 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 they 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, 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 can help you to place the baby onto yourself. 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 wider).

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

A person convicted for this offence of acting as a midwife cannot be sent to prison, but they can be fined up to £5000.

How do I notify the relevant authorities and later register my baby after an unassisted birth?

Birth Notification

If you have an unassisted birth, you must first 'notify' the birth of your baby to a relevant public body within 36 hours. This is a legal requirement. The legal duty to notify is set out in [the National Health Service Act 2006 Section 269 \(4\)-\(6\)](#).

The Health and Care Act 2022 updated subsection (11) of the 2006 law on what is now considered to be a "relevant body" to notify a birth to. A "relevant body" is now: (a) NHS England, (b) Integrated Care Boards and (c) Local Authorities. (See [section 269 sub section \(11\) of the National Health Service Act 2006](#)).

Some families who choose an unassisted birth find that they can notify the local Child Health Information Service (CHIS) within 36 hours of their birth. If the local CHIS officers are not familiar with the lawfulness of unassisted birth or not

accepting birth notifications, they may decline to accept a notification from you. It could be a good idea to check in advance if the local CHIS accept notifications. If CHIS is not available, you can contact your local Integrated Care Board, Local Authority, or NHS England to notify them of the birth of your baby. It may be helpful to share this factsheet and the legislation sections above during any discussions with relevant bodies.

Birth registration

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 birth registration 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.

About Birthrights

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

We champion 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.

***Disclaimer:** Our factsheets provide information about the law in the UK. The information is correct at the time of writing (August 2024). The law in this area may be subject to change. Birthrights cannot be held responsible if changes to the law outdate this publication. Birthrights accepts no responsibility for loss which may arise from reliance on information contained in this factsheet. Birthrights has provided links to third party websites where these may help provide relevant further information. Birthrights takes no responsibility for the contents of linked websites and links should not be taken as an endorsement.*