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Freebirth and the Law

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Freebirth is perfectly legal, and all the relevant professional bodies have clear guidance on consent to treatment and a person's absolute right to decline. The NMC also has clear guidance supporting a woman's right to birth her baby without a midwife in attendance. The Human Rights Act (last updated 2012) is very clear. Every person, pregnant or otherwise, has the right to make decisions about their body for themselves. This is known as the principle of autonomy. It is protected under the common law of England and Wales and Article 8 of the European Convention on Human Rights.

You cannot face legal action for giving birth without a medical presence. However, some healthcare professionals may believe that your decision raises a 'child protection' or 'safeguarding' issue and may threaten to make a referral to social services. Healthcare professionals should not refer a woman to social services solely on the basis that she has declined medical care, as she is legally entitled to do so. Social services referrals should be based on an assessment of whether there is 'a significant risk' of harm coming to your child after they are born.

It is also perfectly legal for you to have the support of others, partners, family, friends and doulas, so long as at no point do they offer medical care (other than basic first aid or under the instruction of medical personnel) nor offer midwifery care such as monitoring your baby or the progress of labour.

More information on your rights in childbirth are available from Birthrights www.birthrights.org.uk