AIMS For a better birth...

Forced inductions – the UK's shameful secret

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In Spain

In April 2019, the Spanish Birth and Feminist world was rocked by the news that a Spanish woman had been taken forcibly from her home by Police, while in labour, in order to force her into hospital for an induction.

The history was that a woman I'll call Ana (not her real name but we have her full permission to share what happened to her) had planned a homebirth with an independent midwife who had been monitoring her carefully. She had reached 42 weeks gestation and had chosen to go to hospital for additional monitoring. During the monitoring, the hospital advised the woman that the baby's heart rate had a short period of reduced variability. Ana's midwife had informed her that this was not a concern or an indication for induction[1], however the doctor strongly recommended that she accept induction anyway. Ana wanted to consider this carefully, so she and her partner went for a walk to talk about it but when they came back to the hospital's midwifery station, it was closed, so they went home to decide their next steps.

Ana's labour started at home shortly after, but some hours later the police arrived wielding an arrest warrant and a court order which stated that she must be taken into hospital to have an induction. The couple complied with the arrest warrant once the police advised Ana that she could come with them without resisting, or otherwise she would be brought in by force.

However, when they arrived at the hospital they were left for over an hour before being attended by

midwifery staff – undermining any argument that this was a dire emergency for the baby. They were then left again for many hours on the antenatal ward, mostly without any form of fetal monitoring although the small amount of monitoring that she did receive showed no signs of any issues.

Ana continued to labour and was eventually moved to the labour ward. As she was already in labour, augmentation was not inflicted upon her. However, ultimately she birthed her baby by caesarean, due to what the hospital called, "failure to progress". The baby is perfectly healthy.

This case breaches both Spanish and EU law. A woman has the right to choose her place of birth and to decline any interventions or care offered provided that she retains mental capacity to do so, and in this case, she did. The unborn baby has no rights in Spanish law, and it is not legal to override the woman's decisions – and yet they were.

Update in July 2019: Following the birth, a review of the hospital notes was undertaken by Ana's midwife, where it was found that there was no diagnosis of reduced variability in the first place…

And in the UK…

This terrifying case should lead us to reflect on the situation in the UK. Could this happen here? I'm sure that every midwife would immediately say no – never… but it does. It happens all the time.

Meryl (also not her real name - we have her full permission to use her story) contacted the AIMS helpline[2] when she was pregnant. Meryl's experience was that she found herself in the maelstrom of unnecessary Child Services intervention following an incorrect Child at Risk referral. False allegations were made about her after she made a complaint about the conduct of her midwife.

Meryl's complaint about her midwife was taken as a sign that her mental health must be poor. She was accused of "demanding" birth choices which were then denied to her, and it was then alleged that she was refusing antenatal and other health care (objectively untrue as a quick glance at her notes would have shown). The case was mishandled on multiple occasions including paperwork being lost or not sent, and poor communication between staff. For example, Meryl's obstetrician only found out about her baby being on the Register because Meryl advised them of this herself. Her legal birth choices were denied, and when she tried to deal with this she was accused of being aggressive, and this was added to the list of accusations against her. When she pointed out the power imbalance that she was stuck in, she was labelled as paranoid and unstable.

As a result of being branded non-compliant, her unborn baby was put on the Child Protection Register from birth under the category of neglect. This is because a baby cannot go on the register before birth as they have no rights, so Child Services were making the assumption that Meryl would neglect her child once born, solely on the basis of birth choices that they did not agree with. This will forever remain on their case files regardless of later resolution through the complaints process.

The nightmare of the Child Services system, under-resourced, understaffed, was now Meryl's path, just as she should have been preparing for the birth of her daughter. Child Services failed to follow their own

guidelines, did not provide Meryl with the information that they were "charging" her with, and when she attended the child protection conference, she was not permitted to provide supportive evidence as, she was told, 'there wasn't time left'. However, professionals who barely knew her or the case, were given time to provide their evidence. It was within this secretive and hostile pseudo-court that the child protection order was made. It was then made clear to Meryl that if she did not comply with everything that the midwives and medics told her to do she would risk losing her baby after she was born. This area of law failed her, and criminal and civil law could only be applied after an assault happened – it could not stop it from happening in the first place.

Meryl continued to fight for her right to make decisions for herself about routine care, interventions and her place of birth, but in the end she was forced into hospital for a mandatory, unwanted induction due to the threat of her baby being removed if she did not comply. Child Services used the fact that she had been complaining about the way that she was being treated as evidence that she was 'non-compliant', 'paranoid' and 'a control freak'. Because she had been told that she was obliged to accept any intervention, midwives and doctors put their fingers into her vagina multiple times without obtaining her legal consent, even though she had expressed multiple times she did not want any of the interventions and therefore could not give consent. She was forced into 'consenting' on pain of losing her baby. This is not consent either in law or in any ethical sense.

Meryl's baby was born five horrific days after the induction started. At no point in her labour was the baby thought to be at risk. However, after the birth her baby developed an infection and had to be admitted to the Neonatal Intensive Care Unit (NICU). The chance of these types of infection occurring are known to be increased by excessive intervention. Meryl was not consulted about care in the NICU either, as a result of the Child Protection Order, and was even told to leave the unit when her baby needed feeding 'in case she became psychotic' from not sleeping.

It took three months for the Child Protection Order to be dropped and the NHS investigation found that there had been clinical negligence, but that they hadn't caused any harm. Meryl then complained to the Ombudsman who upheld her complaint and advised the Trust to change their policies and procedures, and retrain staff. They also ordered that the Trust must apologise to Meryl.

Nothing, however, changes the fact that Meryl, like Ana, was forced into hospital against her will, and had interventions inflicted upon her that she did not want, and they will live with the effects of this forever.

In both cases, women were subjected to being forced from their homes, into a place of birth that they did not want to birth their baby, and ended up with highly traumatic birth experiences which were completely avoidable. One woman also now has a permanent injury to her abdomen and uterus which may well not have happened if she'd been left in peace. In both cases medical staff and others considered that the unborn babies had more importance than the women – which is, in Britain and Spain, legally untrue, and in fact in both cases the unborn babies were not at risk anyway.

The UK may feel that it is superior in terms of its human rights within maternity, but cases like this

indicate that it is not. Meryl's handcuffs may have been made from words, with the threat of losing her baby, but they were as powerful, punishing, degrading and dehumanising as metal.

AIMS Comment

AIMS recognises that there are children who need the protection and support of Child Services. We also recognise that sometimes a baby will need to be put onto the Child Protection Register before birth in order to ensure that support is in place after the birth. However, AIMS is more and more frequently seeing unborn babies being put onto the Child Protection Register because their mothers' social workers inaccurately believe that some birth decisions mean that mothers are not caring sufficiently for their babies. In fact, it is those who create and give birth to their baby who have the most invested in the health of their child. It is also the case that only the person giving birth can make a decision about interventions, tests or anything else done to their body, whether they are pregnant or not. By using the threat of the baby being removed at birth if the woman does not comply with the demands of child services, this law is being effectively, and devastatingly, undermined. It also puts the woman and her child at significant risk of harm, as Child Services staff are not medically trained, and their demands that women comply with interventions that they do not fully understand can cause very severe physical and mental injuries.

References:

1. AIMS' information sheet on monitoring your baby's heart rate in labour: www.aims.org.uk/information/item/monitoring-your-babys-heartbeat-in-labour
2. The AIMS helpline offers support and information by women for women. You can contact the helpline by phone on 0300 365 0663 or by email on helpline@aims.org.uk

Further reading:

Spanish birth rights groups present the case to three human rights organisations: https://www.elpartoesnuestro.es/blog/2019/05/27/el-parto-es-nuestro-y-dona-llum-llevan-el-caso-de-la-mujer-de-oviedo-ante-las-naciones-unidas