

Your right to a caesarean birth

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What is a caesarean birth?

A caesarean birth, or c-section, is an operation. In a caesarean birth, c-section, or caesarean section, the surgeon will deliver your baby through a cut in your stomach and uterus (womb).

The operation normally happens under an anaesthetic given in your spine so that you remain awake. Occasionally it is necessary to do the operation under general anaesthetic. General anaesthetic is usually only used when medically necessary.

Why might I have a caesarean birth?

There are three reasons you might have a caesarean birth.

- You might need an unplanned caesarean birth if your or your baby's health is threatened during labour.
- You might be advised to have a caesarean birth if your obstetrician thinks that giving birth vaginally would put your baby at risk. This would be an elective or planned caesarean birth, meaning that you have decided ahead of time that a caesarean is the best way for your baby to be born.
- You might ask for a caesarean birth yourself. This would be an elective or planned caesarean birth, or a 'maternal request caesarean'.

If you need a caesarean birth for medical reasons, it must be carried out at the right time for you and your baby. If the hospital does not carry out a caesarean birth when you and your baby need it, they could be taken to court for medical negligence.

If your hospital suggests other medical interventions to you, such as induction, they should also talk to you about your option to have a caesarean birth instead.

Do I have a right to a caesarean birth?

You can ask for a caesarean birth even if your doctor or midwife doesn't think that you have a medical need for one.

This is called a maternal request caesarean birth.

Your hospital must listen to your reasons for wanting a caesarean birth and have good reasons for saying no.

If you request a caesarean birth during labour then your midwives and doctors should listen to you and take you seriously. You should be offered other support such as pain relief, if you feel this would help you to be able to have a better conversation about a caesarean birth or other alternative options. On occasion, you may have to wait to have a caesarean if there are other individuals in the unit who need a caesarean more urgently.

- You can read more about consent on our [Consenting to treatment](#) factsheet.

What does national guidance say about my right to a caesarean birth?

National guidance from the National Institute for Health and Care Excellence (NICE) recommends that if you ask for a caesarean birth, the hospital should support this if they are satisfied you are making an informed choice.

The guidance says that the hospital should discuss with you why you want a caesarean birth and the risks and benefits of caesarean and vaginal birth.

If your request is due to anxiety about childbirth, the hospital should refer you to a healthcare professional who is an

expert in perinatal mental health. You do not have to accept this offer of support.

The guidance says that if you still want a caesarean birth after you and the hospital have talked about it, and you have been offered support, the hospital should offer you a caesarean.

An individual obstetrician (doctor) can refuse to perform a caesarean. But they should refer you to another obstetrician who is willing to carry out the operation.

Who can support me if I am refused a caesarean birth?

If you choose a caesarean birth but your hospital refuses to carry it out, you can ask to speak to the Director/Head of Midwifery or the Clinical Director.

If you don't know the details for the Director/Head of Midwifery or Clinical Director, you can ask your midwife and/or the Patient Advice and Liaison service (PALS) (if you are in England or Wales) to put you in touch. The Trust website will have a page with PALS' details on it.

- If you feel you are not being listened to, or are being told no, you can contact us for advice on our [our advice form](#) or by emailing advice@birthrights.org.uk.

What if I don't want a caesarean birth or I change my mind?

You have the right to consent or decline a caesarean birth if one is recommended to you: it is your decision. You can also change your mind.

- You can read more about this on our [Consenting to treatment](#) factsheet.

Law and guidance

The law on offering you a caesarean birth

In the *Montgomery v Lanarkshire Health Board (2015)* case, the Supreme Court stated that if there is any increased risk in a vaginal birth, a woman should be offered a caesarean birth.

You should be given the opportunity to discuss the benefits and potential risks of caesarean birth compared to giving birth vaginally. However, once you have made your decision it should be respected.

An individual obstetrician can say no to your request on the basis that they do not want to carry out an intervention that they believe to be harmful. However, they must refer you to a doctor who is happy to carry out a caesarean section.

If all obstetricians in a unit take the same view, you should be referred to an obstetrician in a different hospital who is willing to carry out the surgery.

Is a maternal request caesarean birth a legal right?

There has never been a legal case on the entitlement to maternal request caesarean births. But you have a right to make decisions about the circumstances of your birth under Article 8 of the European Convention on Human Rights. This includes the manner in which you give birth.

What is NICE?

NICE is the National Institute for Health and Care Excellence. It makes guidelines for health and social care across the UK. NICE guidance is not law so does not give you a legal right to a treatment. But a

hospital has to give good, clear reasons if it does not follow NICE guidance.

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.

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

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