

## **Woman's rights under the Code breached during and after labour and birth 20HDC01761**

A woman's rights under the Code of Health and Disability Services Consumers' Rights (the Code) were breached by a registered midwife during labour, birth and post birth, says Deputy Commissioner Rose Wall in a report released today.

The woman's labour and birth were managed by a locum midwife while her Lead Maternity Carer (LMC) was on leave. There were serious shortcomings in the care provided, with the woman experiencing a prolonged first and second stage of labour. The birth was further complicated by shoulder dystocia,<sup>1</sup> which was not managed adequately. Sadly, the baby died during labour.

Ms Wall found the registered midwife breached Right 4(1) of the Code for failing to provide the woman with a reasonable standard of care.

The midwife failed to escalate the woman's care during a prolonged first stage of labour and seek an obstetric or medical review, despite concerns being raised by other staff members.

In addition, the midwife did not adhere to recommended practices and undertake appropriate maternal or fetal monitoring during the first stage of labour to ensure it was progressing normally. She also failed to recognise or seek assistance for the woman in a timely manner during active labour for shoulder dystocia.

Finally, postnatally, the midwife did not promptly identify the woman was suffering from sepsis and take appropriate action.

Ms Wall also found the midwife breached Right 6(1) of the Code for failing to inform the woman that an obstetric consultation was recommended because of the prolonged first stage of labour.

"The midwife failed to provide the woman with the information a reasonable consumer in her circumstances would expect to receive," Ms Wall said.

The midwife was breached for shortcomings with her documentation, (Right 4(2) of the Code). The documentation maintained by the midwife during labour, delivery and postnatal care was inadequate. The lack of documentation represented a significant failure to comply with the Midwifery Council's documentation standards.

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<sup>1</sup> **Shoulder dystocia** is when a baby's shoulder gets stuck during childbirth.

Ms Wall acknowledged the challenging environment that the registered midwife was working in but did not consider this accounted for the deficiencies in care.

Ms Wall extended her heartfelt condolences to the woman and her whānau, “for the distressing set of circumstances that led to the loss of their baby.”

The report outlines recommendations for the registered midwife, including further training on sepsis identification and shoulder dystocia management. Ms Wall also advised the Midwifery Council of New Zealand to consider further review of the midwife’s competence, and the midwife has been referred to the Director of Proceedings for the purpose of deciding whether any proceedings should be taken.

In addition, Ms Wall intends to raise with the Ministry of Health the issue of whether national guidance on the care of pregnant and birthing women who decline blood products is needed.

2 December 2024

### **Editor’s notes**

Please only use the photo provided with this media release. For any questions about the photo, please contact the communications team.

The full report of this case can be viewed on HDC’s website - see HDC's '[Latest Decisions](#)'.

Names have been removed from the report to protect privacy of the individuals involved in this case.

The Commissioner will usually name group providers and public hospitals found in breach of the Code unless it would not be in the public interest or would unfairly compromise the privacy interests of an individual provider or a consumer. More information for the media, including HDC’s naming policy and why we don't comment on complaints, can be found on our website [here](#).

HDC promotes and protects the rights of people using health and disability services as set out in the [Code of Health and Disability Services Consumers' Rights](#) (the Code).

In 2022/23 HDC made 592 quality improvement recommendations to individual complaints and we have a high compliance rate of around 96%.

Health and disability service users can now access an [animated video](#) to help them understand their health and disability service rights under the Code.

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