

**Inadequate documentation and standard of care during labour
(07HDC03243, 28 November 2007)**

Midwife ~ Antenatal care ~ Birth care plan ~ Partogram ~ Resuscitation ~ Documentation ~ Hypoxic ischaemic encephalopathy ~ Postnatal care ~ ACC ~ Fetal heart rate ~ Perinatal care ~ Rights 4(1), 4(2), 4(5)

A 35-year-old woman was admitted to hospital after her labour had become established at home. The first stage of the labour progressed well, with the midwife recording a good fetal heart rate throughout. The second stage of labour was protracted, and lasted almost three hours. Although the midwife stated that there was a reassuring fetal heart rate throughout the labour, the baby was hypoxic when delivered, and was not breathing and had no heartbeat. Respiration and heartbeat were not properly established until 10 minutes after the birth.

It was held that the midwife's documentation both in the prenatal and the perinatal stages was not of an appropriate standard for a registered midwife. Accordingly, the midwife breached Right 4(2) of the Code.

It was also held that the midwife did not exercise reasonable care and skill when monitoring the fetal heart rate, breaching Right 4(1), and failed to refer the woman to an obstetrician for suturing of a severe perineal tear, breaching Right 4(5).

The Director of Proceedings decided not to issue any proceedings, considering that while there had been a departure from accepted practice, it was unlikely to warrant a disciplinary sanction, or to attract an award of exemplary damages in the Human Rights Review Tribunal. Any claim for compensatory damages for injury to feelings at the time of the events would meet with very limited success.