



## **Sands Position Statement**

### **Certificates and Registration for Babies Born Dead Before 24 Completed Weeks of Pregnancy**

From time to time, Sands receives requests from bereaved parents who want a change to current legislation in relation to the definition of stillbirth or the type of certificates they receive. For example, some want to see a change in the definition of stillbirth while others want to receive a birth and a death certificate after a stillbirth.

Registration is required by law for all stillbirths (that is, babies born at or after 24 completed weeks of pregnancy showing no signs of life), all live births and all deaths. The deaths of babies who are born alive and then die are registered in the same way as any other death. Stillbirths are registered separately in the Register of Stillbirths and a Stillbirth Certificate is issued.

The definition of a “stillborn child” in England and Wales is contained in the Births and Deaths Registration Act 1953 section 41 which was amended by the Stillbirth (Definition) Act 1992 section 1(1) which states that:

*“a child which has issued forth from its mother after the 24th week of pregnancy and which did not at any time breathe or show any other signs of life”.*

Similar definitions apply in Scotland and Northern Ireland.

The definition of stillbirth is based on the age at which a baby is considered viable. In 1992, Parliament voted for a change to the stillbirth definition from “after 28 weeks” to “after 24 completed weeks.” This change was based on a clear consensus from the medical profession that the age at which a baby was viable should be lowered. This was due improvements in neonatal care resulting in increased survival rates of babies born after 24 completed weeks of pregnancy and before 28 weeks.

Sands had lobbied for some years for this change which was a major breakthrough. It was hugely significant for parents as a baby who is born dead at or after 24 completed weeks of pregnancy is now recognised in law as an individual. Therefore, the baby's death must be registered in person at a register office by the mother or either parent if the parents are married or in a civil partnership and a Stillbirth Certificate is issued to the parents. Stillbirths must be registered within 6 weeks of the baby's birth in England and Wales, 3 weeks of the baby's birth in Scotland and 1 year of the baby's birth in Northern Ireland.

Sands does not support a change to the current definition of stillbirth nor changing the certificates that parents who have a stillbirth receive. This is because:

- Medical opinion does not currently support reducing the age of viability below 24 weeks. At present, evidence to justify this change is not strong enough and the Government has made it clear that it has no plans to amend the Stillbirth Act.
- We fully understand that some parents whose baby was born dead before 24 weeks find it very distressing that they cannot register the birth. However, it is important to recognise

that there are also many parents who would be distressed if they had to register the birth in this way.

- We acknowledge that whatever the definition of stillbirth is, there will be those who fall just below it. Therefore, there will always be some parents who find this definition to be an additional source of distress at a deeply painful time.
- Sands is also concerned that any changes to the way in which stillborn babies are registered (for example by issuing a birth and death certificate instead of a certificate of stillbirth) would make it harder to monitor stillbirth trends and causes and potentially hinder stillbirth prevention work.
- Stillbirth prevention work continues to be crucially important as 17 babies are stillborn or die shortly after birth every single day in the UK. Additionally, the stillbirth rate in the UK has not changed in over a decade. Clear and reliable data is essential as a better understanding of the causes of stillbirth is urgently needed. Specific data from Stillbirth Certificates is important for monitoring stillbirth trends and to focus on ways of preventing these deaths.

At Sands, we know from the many thousands of parents we support that having mementoes of their baby is very important to them. When a life is so short, there are few opportunities for creating memories and parents may greatly value the few mementoes of their baby that they are able to keep. Sands, therefore, encourages all hospitals to offer the option of a Certificate of Birth to parents of all babies who are born dead before 24 weeks. There are templates for a Certificate of Birth available to download on Sands' website at <https://www.uk-sands.org/professionals/resources-for-health-professionals/forms-and-certificates>

This certificate is not an official document. However, this memento for parents indicates that "The baby showed no signs of life" which makes it clear that the baby was dead at or before birth.

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Improving bereavement care team