

Press Release 15.10.19

## **Bhatt Murphy acts in judicial review challenging health inequalities caused by NHS Charging Scheme for migrant women and their children**

Bhatt Murphy Solicitors are acting in judicial review proceedings on behalf of Maternity Action, a leading maternity rights charity, challenging the Secretary of State for Health's NHS Charging Regime. The disproportionate effect of charging is most stark amongst destitute pregnant women, new mothers, survivors of domestic abuse, sexual violence and Female Genital Mutilation and destitute migrant families supported by local authorities, who are overwhelmingly women.

Bhatt Murphy Solicitors have instructed Jason Coppel Q.C., Shu Shin Luh and Laura Profumo to act as part of the legal team.

The NHS Charging Regime is a key plank of the Government's hostile environment policy and it is closely associated with immigration sanctions which give the Home Office powers to refuse an immigration application for leave, however meritorious, because of an unpaid NHS debt.

Key evidence has been presented to the Secretary of State for Health and Social Care about the harsh effect of NHS charging on migrant women and their children. This evidence comes from across the health and social care sector, including the Royal Colleges of Midwives and Obstetricians and Gynaecologists and key non-governmental organisations who work with destitute migrant women and their children, and shows how charging has led to potentially dangerous changes to 'health-seeking behaviour' amongst migrant women, including avoiding, delaying, missing medical appointments, disengaging from medical professionals, and seeking drastic measures such as termination of pregnancy or having unregulated births. The evidence also shows that avoidance or delay in seeking medical care during pregnancy heightens risks of complicated births, maternal and infant mortality.

The Secretary of State for Health and Social Care has rejected calls from health professional organisations and charities for the regime to be suspended pending a full inquiry into the health inequalities implications of the Charging Regime on protected groups, in particular vulnerable women who are destitute, pregnant, new mothers or victims of gender-based violence. While some limited exemptions from charging are in place, the Secretary of State has refused to extend these to effectively protect the groups of migrant women identified by Maternity Action.

Janet Farrell, Partner at Bhatt Murphy Solicitors and Solicitor for Maternity Action, said

“Charging destitute migrant women and their children for their NHS care is harmful and unjustified. This important case challenges the legality of the Government's charging regime, which discriminates against women. Women are charged more than men and they qualify for fewer exemptions. Pregnant women and their babies are at particular risk- the evidence collated by Maternity Action in this case shows a clear pattern of women avoiding care because of charges. Immigration control has no place in a consulting room. The Government must carry out a proper, transparent review of the impact of this regime upon vulnerable groups.”

Rosalind Bragg, Director of Maternity Action, says

Our research with women affected by maternity charging has found that many of these women are in desperate situations, struggling to afford food and accommodation. They cannot pay £7,000 or more for their maternity care and are avoiding essential medical care in an attempt to save money.

We have repeatedly asked the Government to undertake a review of the impact of maternity charging on vulnerable migrant women but they have not done so.

These women are at high risk of serious health problems during pregnancy, birth and postnatally. We should be taking extra steps to ensure they receive the care they need, rather than frightening them away from maternity services.

We know from our advice service that the exemptions intended to cover vulnerable women are not working. We regularly hear from women who are survivors of FGM, domestic and sexual violence who are facing maternity charges.

Maternity Action's legal action follows calls from health professional bodies to suspend NHS charging. In December 2018, the Royal College of Physicians, Royal College of Paediatrics and Child Health and Royal College of Obstetricians and Gynaecologists published a [joint statement](#) calling for suspension of NHS charging. In March 2019, the [Academy of Royal Colleges](#) issued a statement calling for suspension pending a full and independent review. In April 2019, [the British Medical Association](#) called for a full and independent review of the impact of charging.

To read more about Maternity Action's legal challenge read their post:

<https://maternityaction.org.uk/2019/10/legal-challenge-to-charging-for-nhs-maternity-care/>

To support Maternity Action's legal challenge donate here:

<https://www.crowdjustice.com/case/stopmaternitycarecharging/>

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