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## Position Statement

# Legislation to Regulate Midwifery Practice

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### Background

Midwifery regulation is the part of a nation's laws that relate to the education and practice of midwifery. In order to protect the public, it is important to regulate and license midwives, and the practice of midwifery. This includes regulation of education institutions and programmes providing midwifery education leading to registration of midwives. Regulatory mechanisms also include a set of requirements for the relicensing / re-accreditation of registered midwives in order to demonstrate continuing competence throughout their careers. For the individual midwife, regulation provides processes which enable her/him to reveal that she/he has the required skills to practice midwifery safely according to national requirements.

Midwifery regulation, sometimes called licensure, is the set of criteria and processes arising from the legislation that identifies who is entitled to legally practise as a midwife. It describes the competencies, standards for pre-registration midwifery education, registration processes, and mechanisms for relicensing (re-accreditation) to ensure continuing competence. Midwifery regulation also includes codes of conduct and ethics relating to midwives and midwifery practice as well as complaints and disciplinary processes. Included in the regulatory framework are mechanisms for 'return to practice' for those midwives who have not worked for an extended period of time. There will also be procedures relevant to midwives who have been educated in one country applying for registration in another.

Regardless of the type of mechanism used, it is important to ensure that the regulation process is and continues to be transparent, fair and robust; it should therefore be evaluated periodically.

ICM believes that there should be appropriate legislation relating to the regulation of the practice of midwives in all countries. ICM also believes that professional associations should work with governments to find ways to establish, support and monitor midwifery

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regulatory frameworks based on *the ICM Global Standards for Midwifery Regulation (2011)* in order to enhance the accountability of midwives and midwifery services to the public.

### **Position**

Legislation which is enacted to govern the practice of midwives should:

- Recognise that all women have a right to be attended by a competent midwife.
- Provide the mechanism for a regulatory body that is governed by midwives with the aim of protecting the public.
- Recognise the importance of separate midwifery regulation and legislation which supports and enhances the work of midwives in improving maternal, child and public health.
- Ensure the profession is governed by midwives.
- Provide for consumer representation on the regulatory body.
- Adopt a 'Definition of the Midwife' and 'Scope of Practice of a Midwife' congruent with the ICM definitions, appropriate to the country within the legislation.
- Provide for entry to the profession that is based on competencies and standards and which makes no distinction between routes of entry.
- require regular renewal of right to practise based on satisfactory ongoing education
- Enable midwives to have access to ongoing education.
- Enable midwives to practise autonomously within the midwifery scope of practice in any setting.
- Set the Standards of Midwifery Education based on the ICM Global Standards for Midwifery Education (2011).
- Support the midwife in the use of life-saving knowledge and skills in a variety of settings in countries where there is no ready access to medical support.
- Provide for regular review of the legislation to ensure it remains appropriate and not outdated, as midwifery education and practice and the health services advance.
- Provide for transition education programmes in the adoption of new legislation requiring increased levels of competency of the midwife.

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## Recommendations

Member Associations are urged to use this statement to achieve legislation which will be appropriate for the practice of midwifery in their countries. Together with *the ICM Standards for Midwifery Regulation (2011)*, it provides a benchmark for global standardisation of midwifery regulation, the basis for the review of existing regulatory frameworks and guidance and direction to those countries seeking to establish midwifery regulation where none currently exists.

## Related ICM Documents

ICM. 2010. Core Document. Essential Competencies for Basic Midwifery Practice.  
Amended 2013

ICM. 2011. Core Document. Global Standards for Midwifery Regulation. Amended 2013.

ICM. 2011. Core Document. International Definition of the Midwife.

## Other Relevant Documents

Mother Baby Package: Implementing Safe Motherhood in Countries. Geneva, Switzerland:  
WHO, 1994.

UNICEF. 2009. Promoting, protecting and supporting breastfeeding – An introduction to the  
Baby Friendly Initiative

## Adopted at Glasgow Council meeting, 2008\*

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\*Original name of the document: Legislation to govern midwifery practice.