

#together

MEDIA RELEASE

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British court orders elderly grandmother to be denied hydration after 42 days of medically enforced starvation. She dies 11 days later.

On the evening of Monday 5th February, a British-Indian grandmother took her last breaths, but hers was no ordinary death. The lady did not die of old age or as a direct result of her conditions; she died because of 'best interest' decisions taken by the 'Court of Protection' and the hospital where she was a patient. To die of starvation and dehydration is a barbaric and torturous death; that this was deemed to be in the grandmother's best interests is beyond comprehension. The decisions taken were against the wishes of her family, who have been deeply traumatized by the needless suffering caused.

A member of the family, who are all bound to anonymity by the terms of a court order, said:

"To be forced to die in this inhuman heartless way would have been against her wishes and beliefs. Our mother would find it unacceptable and morally reprehensible to starve and dehydrate anyone to death like this. We will have to live with the acute trauma from watching this happen to our dear defenceless mother for the rest of our lives"

The 89-year-old patient, who had lived independently and led a fit and active life prior to her hospitalization in October for strokes, fought for her life for 53 days. She defied all probable odds and the prognoses of her medical team, who had told the family in mid-December that it was no longer "appropriate" to continue treatment or feeding by artificial means, and that their mother would die within days or weeks. The family begged the hospital to reconsider and to restore nutrition so as to give their relative a chance of recovery. The hospital refused.

In a breach of best practice and common procedure in cases where there is a dispute between the hospital and the patient, or their family, the hospital refused to make an application to the **Court of Protection**, claiming that whatever the court ordered, they were not going to give the patient any assisted nutrition, as (in their view) this could not be provided safely. The family were not given the time or opportunity to seek a second medical opinion.

In view of the hospital's deliberate procrastination and determination to starve their mother to death, the desperate family were obliged to take the case to court on their own.

The application failed, and late on Friday 26 January, the judge ruled in favour of the Hospital, ordering that further medical treatment, including clinically assisted nutrition and hydration, was not in their mother's best interests and must be withdrawn and withheld.

Following the decision, Emeritus Professor of Palliative Medicine Sam H Ahmedzai was approached by a member of the family to comment on the medical evidence filed by the hospital and to produce an expert report. He was extremely critical of the hospital's

medical evidence to the court and called for the immediate restoration of assisted hydration to prevent death by dehydration. He also called for a second opinion examination and report.

An emergency request was lodged to the **Court of Appeal** over last weekend for an immediate order calling for the stay of the dehydration order and for a second opinion, but rejected on the grounds that it was not an 'out of hours emergency'. The lady died 2 days later.

Commenting on the decision of the Court of protection Judge, **a family member** said:

"It sounds nonsensical that a judge can dictate to a hospital to dehydrate someone to death, yet the same judge is powerless to order nutrition to be given"

Commenting on the actions of the hospital, he continued:

Active treatment has been a pretence, they put our mother on end-of-life months ago, well before the starvation started. This is the Liverpool Care Pathway by the back door."

"She always exhibited a tremendous fighting spirit, but the doctors gave up on her, and she was robbed of life prematurely in the most undignified way"

Professor Emeritus, Sam H Ahmedzai commenting on the case, said:

Having witnessed at close hand the deaths of hundreds of patients in my 30-year career, this has been one of the most distressing and chilling –cases I am aware of. Dehydrating a person to death is distressing, degrading and inhuman. Having helped to see the infamous Liverpool Care Pathway abolished, I can see the spirit of it lives on today in Britain."

Barrister James Bogle, who has acted in such cases before the courts and was asked to comment, criticised the court's decision and said:

"Where there is a challenge to a proposal to withdraw or withhold life-sustaining treatment, it is necessary to allow the family to obtain a second medical opinion. It was therefore wrong not to consider the new medical report of Professor Ahmedzai. The Appeal Court's out of hours judge must have been aware that his failure to order a stay effectively meant the patient would die by dehydration."

The lady's death has now been referred to the **Coroner's Office** in Camden.

Amanda Hunter, Head of the Social Care team at the Together Declaration, which provided support and assistance to the family, including help with applying to the Court of Protection, said:

"This particular case is one of the most distressing of the many cases known to us. The manner in which this mother's life was ended was barbaric and inhumane. This remarkable lady and her family were failed by the Hospital and failed by the judicial system"

Commenting on the tragedy of the case, **Amanda added**:

"As a matter of record, the family were told that if their mother been "in her sixties, she would have been treated differently. The family were also told that it was not 'their role' to make decisions regarding the treatment pathway of their mother and that these decisions should be left to the hospital's expert clinicians to make. This is in direct contradiction to the NHS' own Constitution"

The court has ordered that the name of the family and of the treating clinicians and nurses be kept secret.

*** Ends ***

For further information and for access for interviews with others in this press release, please contact:

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Notes for editors

The Liverpool Care Pathway was a pathway devised in the 1990s for patients at the end of their lives. It was found to have been persistently abused to shorten lives and was strongly criticised by the joint parliamentary Neuberger commission, on whose recommendation the government abolished it in 2014.

Together Social Care is one of the cabinet workgroups set up by the **Together Declaration**. It campaigns on issues around social care and health, particularly those impacting the elderly. It works with multiple campaign groups and the public to identify the problems faced by those drawing on care, and to explore solutions. It launched its campaign against the abuse of end-of-life protocols in October 2023. It works alongside other campaign groups, including Families Against Involuntary Medical Euthanasia, to offer support to families who believe their loved ones were fast-tracked to death following wrongful end-of-life decisions, and to campaign for cultural and legislative change to bring an end to these inhumane practices.

The team is particularly concerned about the impact of Covid-19 Rapid Response Guidelines NG163 and NG191, which were introduced in 2020 and 2021 respectively, and believe, on the basis of mounting evidence, that the precedents set by these protocols are likely to have been directly responsible for thousands of unnecessary deaths both during and post-pandemic. The campaign is calling for a public investigation into these deaths and for an urgent review of NHS end-of-life practices.

<https://togetherdeclaration.org/campaigns/end-of-life-protocols/>

Following the Court of Protection order for hydration to be withdrawn, the **Together Social Care** team organized a joint protest with campaign partners, Families Against Involuntary Medical Euthanasia (F.A.I.M.E) outside the hospital in London, on Tuesday 30 February. Video footage of the protest was subsequently posted on social media. <https://twitter.com/Togetherdec/status/1752325959770935739> a

Emeritus Professor, **Sam Ahmedzai**, and Barrister **James Bogle** are co-authors of the report ***When End of Life Care Goes Wrong***, which was commissioned by the Lords and Commons Family and Child Protection Group and published in 2023 by the campaign group *Voice for Justice*. The report, which featured 17 case histories (selected from over 800) highlighted the abuse of end-of-life protocols in a range of settings including hospital, hospice, care homes and the community and concluded that the practices that had led to the abolition of the Liverpool Care Pathway in 2014, were still very much in evidence.

<https://vfjuk.org/when-end-of-life-care-goes-wrong-new-publication-available-now/>