



Archie Battersbee's legacy can we learn the lessons from this tragic case?

Review by **Trevor Stammers**
CMF Public Policy Associate

A heart-rending series of legal disputes surrounding twelve-year-old Archie Battersbee was fought not only in the courts but also amidst a blaze of media coverage. Archie was discovered unconscious at home by his mother following a presumed online challenge involving self-asphyxiation, resulting in a cardiac arrest. His heart was restarted but not before extensive ischaemic brain damage had occurred.

Within three days of Archie's admission, his parents were approached to obtain consent to harvest his organs. Archie's family were understandably distraught, which may have played a significant role in the breakdown of trust with the medical team. (High Court ruling, Paragraph 100)¹

CT scans in April showed 'severe hypoxic encephalopathy', (Para 56) brain swelling and 'significant injury to multiple areas of the brain'. (Para 60) Two consultants gave second opinions that respectively concluded 'The extent of brain injury is incompatible with any meaningful recovery' (Para 61) and '[Archie]

is unfortunately unlikely to survive' (Para 63).

On 14 April, at a meeting with Archie's family, his consultant 'recommended brain stem testing to confirm...that he had died'. (Para 66) The family, however, did not accept this and requested more time for Archie to recover. A series of court hearings ensued, with a final judgment on 15 July. Mr Justice Hayden declared 'on the most compelling of evidence' that the Court 'could not authorize or declare lawful the continuation of...treatment' which 'serves only to protract his death, whilst being unable to prolong his life'. (Para 46)² After a series of further legal rulings, Archie's ventilation was removed on 6 August, after which his heart stopped beating.

At least two ongoing issues raised by Archie's story make it likely that similar cases will recur. The first is the general lack of public understanding about brain stem death. It is of the utmost importance, especially in children, to determine the accuracy of its diagnosis. Once diagnosed, brain stem death means recovery is impossible, and the person is legally dead.^{3,4}

Enabling families to come to terms with this death will prove more helpful in resolving grief long term. It is a difficult concept for the medically trained to grasp. How much harder for the lay public when they see their loved one appearing so alive and 'breathing'? This is an area where churches should play a role.

The second issue relates to the timing of requests for organ donation from patients with severe brain injury. There can be few things more certain to undermine trust than such an early request when the family did not even accept Archie was dying.

If it leads to an increased sensitivity to the timing of donation requests and more public education about brain stem death, Archie's death will leave a legacy of enduring value.

references (accessed 15/9/2022)

1. *Barts Health NHS Trust v Dance, Battersbee and Battersbee* [2022] EWHC 1435 (Fam)
2. *Barts Health NHS Trust v Dance, Battersbee and Battersbee* [2022] EWFC 80
3. Stammers T. Brain death, resurrection, and Archie Battersbee. *CMF Blogs*. 9 September 2022. cmf.li/3B2dQJU
4. Brain Death: Overview. *NHS*. bit.ly/3U83twQ

Costing our lives the health impacts of the cost-of-living crisis should concern us

Review by **Steven Fouch**
CMF Head of Communications

Anyone in clinical practice knows that wealth impacts health and vice versa. Despite having a healthcare system free at the point of need, the poor still have worse health than the wealthy.^{1,2}

We are amid a cost-of-living crisis due in part to the supply chain chaos in the wake of the Covid pandemic and the war in Ukraine. It is already having a significant impact on the sick. Patients on haemodialysis who already faced an extra £600-£1,500 a year in utility bills will see them skyrocket.³ We hear of patients going back to hospital for treatment, forgoing independence just to afford to live.

Pensioner poverty is at its worst in over a decade.⁴ With poverty comes a poorer diet, poorer housing, and less heating. The risks of non-communicable diseases and early mortality rise rapidly in such circumstances.

And the health service is struggling – with a backlog of patients post-Covid, and a rise in chronic and acute physical and mental health problems, the NHS has run all summer with the sort of pressures only seen in the worst

of winters. What this winter will bring is even harder to tell.

The UK government is taking steps to try and address this,⁵ but it is open to debate how effective these measures will be.⁶ But this is a problem way beyond any single government intervention. It is global and systemic, historical, and natural. It is a storm, not all of our own making, but one for which we have not adequately prepared so that we could weather it well.

There are no easy answers, no simple reassurances that all will be well. But neither are we helpless or hopeless. Scripture repeatedly reminds us that the storms will sweep upon us, but God will not abandon us.⁷ That when we see the vulnerable suffering or in need, we have a duty to stand with them.⁸ And that when it is our turn to be in need, others will stand with us.⁹ It is a challenge to the church to pull together and support one another and the broader community in Christ's name, and lead the rest of society by example.

We should engage with this politically,

but not by shouting on the social media sidelines. Write to MPs and councillors, get on the committees of professional bodies, or become a shop steward. We need godly voices and hands in all these places. Volunteer at foodbanks, get on your church council and get them engaged.

But above all, such crises should drive us once again to prayer. For our nation, our patients, our colleagues, and one another.¹⁰

references (accessed 15/9/2022)

1. Goddard A. The cost of living crisis is another reminder that our health is shaped by our environment. *BMJ* 2022;377:01343. doi.org/10.1136/bmj.n1343
2. Behind the Headlines: the unequal impact of the cost of living crisis. *National Voices*. April 2022. bit.ly/3DTSurB
3. Cost of living: the impact on kidney patients. *Kidney Care UK*. bit.ly/3doBmJO
4. Life is becoming unaffordable for pensioners on low and modest incomes, warns Age UK. *Age UK* 26 May 2022. bit.ly/3QPXD02
5. Energy bills support factsheet: 8 September 2022. *Gov.UK*. 8 September 2022. bit.ly/3DsFApe
6. Age UK responds to new Prime Minister's energy price guarantee. *Age UK*. 8 September 2022. bit.ly/3S5gGV0
7. *Eg Psalm 11:3-4*
8. *Eg Isaiah 1:17, James 2:14-17*
9. *Ecclesiastes 4:11-12*
10. Join us for a Week of Prayer from 31 October to 6 November – see cmf.li/Week-of-Prayer