

Judge's order saves girl from overdose

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A High Court judge was called into action in the middle of the night to save the life of a 17-year-old girl after she overdosed on paracetamol.

On receiving an anguished telephone call at about midnight, Mr Justice Baker overrode the girl's wishes so as to allow medical staff to intervene.

The girl's life was hanging by a thread as she "firmly resisted" treatment, saying that she was determined to die.

In a case that highlights the issue of whether individuals have the right to choose death over life, the judge ruled that medical staff could try to save her life, even if that meant sedating or restraining her.

The judge said that "every minute that passed increased the risk" the girl would die without his intervention.

The girl, referred to as "P", was admitted to hospital at 3.20pm on May 13 after swallowing pills earlier in the afternoon.

"Thereafter, for several hours she firmly resisted all treatment to counter the effects of the paracetamol. She said that her life was 's***' and that she would not have taken the overdose if she was going to agree to take the antidote," Mr Justice Baker said.

The girl's mother gave consent for the treatment but hospital staff were reluctant to proceed without a court order after an on-call consultant psychologist said that the girl "did not lack capacity"

to decide for herself. Despite her history of self-harm and of being sectioned under the Mental Health Act, the psychiatrist said she was "able to understand information and retain it and also to weigh up and use it", the judge said.

She had, nonetheless, behaved in an "erratic and inconsistent way" while in the hospital, according to staff.

On May 13, with time fast running out, an NHS solicitor called an out-of-hours family court official at 11pm, who then contacted the judge.

While the girl had accepted the first dose of medication, doctors feared she would refuse to continue the antidote course, which has to be administered continuously for 21 hours.

The trust sought a declaration that it was lawful and in P's interests for medics to treat her, despite her expressed wish to die.

Mr Justice Baker said he was "not satisfied" that the girl lacked legal capacity to make her own mind up.

However, he added that, while the wishes of the teenager were "important", they were not "decisive".

Explaining the decision that he had made over the phone, the judge said the girl would "undoubtedly" have suffered liver damage and would probably have died without the drastic judicial step.

"In this case, balancing the competing factors, I had no hesitation in concluding that the balance came down firmly in the favour of overriding P's wishes."