

We just want the truth about our baby

Outdated laws around stillbirth are preventing coroners from holding hospitals to account, **Lucy Bannerman** writes

Peter and Paula Brady have so many questions about the day their son was born and died. For 19 months, they waited for the coroner's inquest that would give them the answers.

They did not hear their baby cry after the traumatic birth, but there was no doubt in their minds that Lincoln, a brother for Jacob, had been alive, however fleetingly. A doctor said that she could hear a faint heartbeat. The team spent 38 minutes trying to resuscitate him before he was declared dead. The Bradys still have his birth certificate.

The inquest was abandoned on the first day. An expert witness who was not present at the birth doubted the claims of a heartbeat. He believed that Lincoln died before delivery.

Without certainty the infant had shown signs of life, the inquest that had been due to last five days could not go ahead. The coroner had no choice but to tell everyone to pack up and go home — under English law, she had no power to investigate further.

"I was hysterical," Mrs Brady said. "Everyone in that room was devastated. The midwives, the doctors ... they too wanted to know what had gone wrong."

Only babies who showed signs of life after being born are given the independent scrutiny of a coroner's court. If an otherwise healthy baby dies during labour, hospitals are left to investigate themselves. It is an anomaly that senior coroners say draws a "totally artificial



Lincoln Brady had a faint heartbeat before he died, a doctor said. His parents provided this picture of him in the hope it will encourage a change in the law

and ridiculous" line in the days of ultrasound scans. Campaigners fear that it encourages hospitals to class deaths as "stillborn" to avoid public scrutiny.

Campaigners came one step closer to closing the loophole this week after the Department of Health backed a private member's bill brought by Tim Loughton, MP, calling for the investigation of stillbirths to be passed from hospitals to the coroner. The bill, which also proposes formal recording for a stillborn child born before 24 weeks' gestation, passed its second reading yesterday after tearful scenes in the Commons.

Among those pledging support were Henry Smith, MP for Crawley, whose son, Ethan, was stillborn in 2004; Will Quince, MP for Colchester, whose son was stillborn in October 2014; and Sharon Hodgson, MP for Washington and Sunderland West, who wept as she

recalled that her daughter, Lucy, "officially did not exist" after she was stillborn at 23 weeks. The government also confirmed its support.

Michelle Hemmington and Nicky Lyon, co-founders of the Campaign for Safer Births, called it "a landmark moment" after five years of campaigning.

Bereaved parents say that proper investigation is the first step to tackling the problem of stillbirth. One in every 225 babies is born dead. Three-quarters of healthy babies who die during labour could be saved with better care, yet nine in ten cases reviewed internally are not properly investigated, according to the latest research.

"We're part of a club nobody wants to join," Mr Brady, 46, said. Mrs Brady, 39, said: "We had the worst outcome but an inquest could have and should have helped other people, further down the

Worst in western Europe

- Britain has the highest stillbirth rate in western Europe, at one in every 225 babies, or eight a day.
- Three quarters of them could have been avoided through better care, says the Royal College of Obstetricians and Gynaecologists.
- Jack and Sarah Hawkins, from Nottingham, refused to accept the explanation from the hospital trust, where they worked, that their stillborn daughter, Harriet, died from "infection". External investigation finally revealed a series of blunders and concluded that her death was almost certainly preventable.
- The government aims to halve the rate of stillbirths and birth-related brain injuries by 2025.

line. We've met other mums and dads who lost babies after us, and that brings even more heartbreak."

The team at James Cook University Hospital in Middlesbrough had failed to detect that Lincoln was in the breech position when Mrs Brady went into labour in August 2014. Test results should have prompted a scan, which would have warned the team to change the method of delivery. It was a chain of events that the family from Guisborough, in the Tees Valley, hoped would be investigated fully at an inquest.

"We didn't want to apportion blame. We wanted to get to the truth of what happened so it can never come close to happening again," Mrs Brady said. They believe the faintness of Lincoln's heartbeat was used "as a line of attack" to shut the inquest down.

Mrs Brady, a teacher, said: "We pre-

pared 19 months for it, and after five minutes of testimony we were effectively told our baby didn't matter. He didn't get to have his first breath. He was just a number."

That was wrong, she said. "He was a boy at 41 weeks who weighed 9lb 4oz and should never have been in that situation in the first place. He mattered."

Nicholas Rheinberg, the former senior coroner for Cheshire, is one of several coroners to support the campaign to change the law. "When this law was conceived in the days before scans, it wasn't with a view to decide whether or not a coroner could hold an inquest. It was to get more certainty on the law on murder. You needed a cut-off as to what is life and what is not, and what could be more easy to determine than a sign of life from an infant," he said.

"It seems such an awful thing now to draw a line in that particular way. It's totally artificial and quite ridiculous."

In Lincoln's case, the start of the inquest was enough for the coroner to send a "prevention of future deaths" report to the hospital trust, recording her concern "that future deaths will occur unless action is taken", and giving it 56 days to explain what it was going to do.

South Tees NHS Hospitals Foundation Trust responded with plans to implement "Lincoln's rule": guidance for staff on the use of scans, detailing the "red flags" that may indicate a breech delivery. Eight handheld ultrasound scanners have since been distributed across the Trust's maternity wards.

A spokeswoman said: "The trust would have welcomed the opportunity at inquest to provide assurances to the coroner, the family, and the wider public that Lincoln's death was carefully investigated and significant changes were made as a result."

Additional reporting: Patrick Maguire