

TC (Urgent Medical Treatment) [2020] – authorising long term coercive treatment

The decision in TC (Urgent Medical Treatment) [2020] concerned a 69-year-old woman with advanced cancer of the larynx. An urgent application was brought on behalf of the trust to authorise a 6-8-week course of chemo-radiotherapy requiring restraint.

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The decision in TC (Urgent Medical Treatment) [2020] concerned a 69-year-old woman with advanced cancer of the larynx. An urgent application was brought on behalf of the trust to authorise a 6-8-week course of chemo-radiotherapy requiring restraint. Provision of coercive treatment over a prolonged period carries a number of practical difficulties and there was therefore a heavy evidential burden to prove it was in P's best interests.

Several challenges appeared in this evolving case as the treatment plan changed just hours before the application was heard by Cobb J. The cancer had begun to block P's windpipe and an additional surgical procedure of endoscopic resection was required to secure the windpipe before treatment could commence.

Cobb J authorised the proposed treatment and whilst he recognised if P is not co-operative it would be a challenging 6 weeks, he was satisfied the steps taken to mitigate the impact on P will help promote a successful outcome. This included "the attentive and sensitive care" of the healthcare professionals.

This case also serves as a useful reminder of the need to bring these cases to court quickly. Cobb J recognised our efforts to bring this matter to court "so efficiently" as P's condition continued to become increasingly life threatening.

The case illustrates the importance of effective, multi-disciplinary team working. To ensure the needs of the patient are fully met, and to withstand the scrutiny of the court, care plans cannot be drawn up unilaterally. Key to the success in this case was the MacMillan Head and Neck cancer specialist sister, who coordinated input of the various specialist teams to ensure TC would be provided the very best care and whose efforts were specifically praised by the Judge.

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