

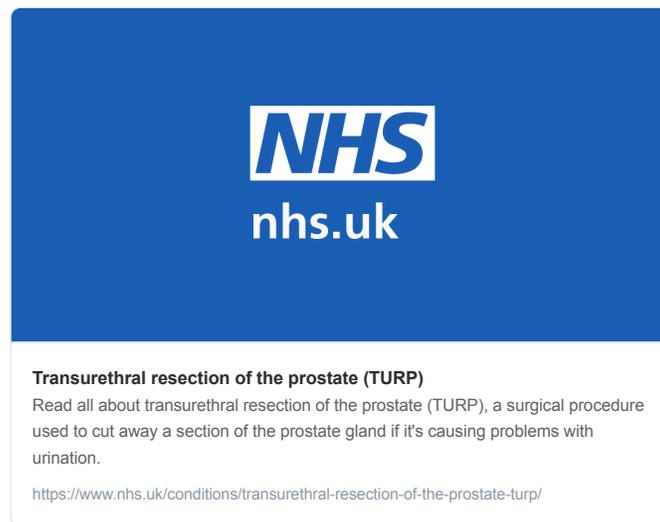


Celia Kitzinger @KitzingerCelia

25 Jan · 15 tweets · [KitzingerCelia/status/1353796251570098176](https://twitter.com/KitzingerCelia/status/1353796251570098176)



Today's hearing concerned a Trust's application for approval of an order for a 63 year old man with learning disabilities to be given a trans-urethral resection of the prostate (TURP) - using chemical or physical restraint if necessary.



[#NotSecretCourt](#)

He's terrified of hospitals because "that's where my Dad died". He currently has a catheter in place but that needs changing every 3 months with all the difficulties occasioned by a hospital visit. A TURP would fix the urinary problems once and for all.

Mr Justice Hayden is superb today. A clear + unwavering focus on P. "I'm eager to ensure the TERP is undertaken on the basis of clinical need, rather than due to the challenges of getting P to hospital. How do I satisfy myself of that?"

Turns out the previous hospital visit (to get the catheter inserted, approved by Holman J) went smoothly. He said he liked the hospital. He got on well with staff + enjoyed the food. He's not pulled the catheter out. He likes catheter because it solved problem of incontinence.

Judge asks about risks of TURP. They include 10% risk of erectile dysfunction and 70% risk of retrograde ejaculation.

Judge: "How do I know what P's views about these issues might be?"

The treating consultant urologist says he hasn't asked him.

Judge is "troubled by that".

Judge is "very keen, however sensitive it is, that P should be afforded the same opportunities to discuss the risks to his sexual life that anyone else would have".

Matron for Learning Disabilities, who's known P for many years is called as witness.

Matron provides vivid account of P as a person - a shy man, quiet, likes predictability + routine. A really nice chap - friendly and affable. Gets on best with other men - used to enjoy going to pub with his dad and watching football on TV. "A man's man".

Judge asks Matron about P's sex life. "He's never been involved in a sexual relationship to my knowledge"

Judge: "What about masturbation"

Matron: "He may engage in that, but if he does it's very private. Not to the knowledge of staff. He wouldn't discuss it with anyone".

Matron says talking about hospital, surgery or sex with P is impossible. He leaves and goes to his bedroom and locks the door.

Attempts at desensitisation programme to reduce his fear of the hospital are underway but will take months not weeks.

Surgery is planned for 12 Feb.

So, the question for the judge is what happens on 12 Feb?

Does he approve the order to transfer P from his community placement to hospital (under sedation/restraint if req) + give GA so that TURP can be carried out (with side effects as above)?

OR.....

... or should a revised order be approved in which catheterisation in the community is attempted (with fall-back of subsequent hospital admission if necessary)?

Hayden J emphasises importance of hearing from Matron who adds "colour, character, history, dimension to P rather than just presenting him as a medical problem to be resolved".

P has a "brilliant relationship" with his sister who is not in court. Why not? asks judge.

Turns out family may not have been told this was a remote hearing - that they wouldn't have had to travel 100s of miles to London - "they could just have switched

on the laptop". Remote hearings offer more opportunities for family attendance + could have been valuable today.

Order not yet finalised so I don't know what the outcome was. Will post when I do!

Thank you to Parishil Patel QC of [@39EssexChambers](#) (for Trust) and Nageena Khaliq QC (for P via OS) of [@serjeantsinn](#) for helpful position statements.

Thank you to [@parishil100](#) who confirmed the court decision was "Try recatheterisation in community (probably at his home) with fall back of bringing him into hospital if that is unsuccessful. The TURP will only be needed in the event that regular catheter change is problematic."

• • •