

## Introduction

1. The Alfie Evans case has been much commented upon by Catholics and other Christians. There have been articles (and special editions) in the Catholic press. Overseas politicians and bishops have offered opinions. Many of these articles and opinions have been negative. They have been influential. They have convinced well-meaning people to turn up to Alder Hey hospital to express their views. They have led, we understand, to attacks on the hospital and the judges (mainly but, we understand, not only on social media). All in relation to a very seriously ill and vulnerable child with parents who are beside themselves with grief and involving one of the world's top children's hospitals trying its very best to manage the whole process while also doing the same for many others.
2. The tragedy and the fact that should cause all who have weighed into this debate to do some soul searching is that very few of those who have commented appear to have read the very careful and deeply compassionate judgments of Mr Justice Hayden.
3. What, in fact, this case should lead a dispassionate and informed observer to do is to recognise and give thanks for the quality of our institutions. This point has been made in the (emphatically correct – although these comments have also been criticised) statements by Cardinal Vincent Nichols, Archbishop McMahon (in whose diocese Alder Hey is) and the Catholic Bishops Conference of England and Wales. Their statements are uniquely informed because, as they have said, there are Catholic chaplains at Alder Hey and they can see what the true position is.
4. This note is an attempt to set out the evidence and reasons for the judgment by the Judge. Anyone who would like to use this note to prolong the discussion about the case is respectfully urged to read in full at least the three judgments (available on the internet) of the trial Judge: of 20<sup>th</sup> February 2018 ([2018] EWHC 308 (Fam)), of 11<sup>th</sup> April 2018 ([2018] EWHC 818 (Fam)) and of 24<sup>th</sup> April 2018 ([2018] EWHC 953 (Fam)) [the reasons for judgment of the Court of Appeal and the Supreme Court are also available]. The first of these is indispensable reading.
5. This note is also a challenge. A flavour of the comments and the standing of some of their authors is to be found at the end of an article in *the Catholic Herald*. It reads:

*The intransigence of the British courts and a large swathe of British opinion on this matter makes Britain look as intolerant, in certain lights, as Sudan and Afghanistan.*

The challenge is to honestly hold that opinion (or many of the opinions that have appeared in the Catholic press) after reading what Mr Justice Hayden said and did.

## The Care with which the Judge considered the parents' Catholic views

6. Before analysing the evidence and the Judge's reasoning and in the light of the quotation in the previous paragraph it is helpful to set the context of the judgments by quoting directly from the following paragraphs of the first one [it is to be remembered that the medical evidence was that Alfie's brain had largely dissolved and all the experts who had examined Alfie (including those from Bambino Gesù) agreed that there was no possible treatment for that condition]:

51 I have on the parents' behalf taken very great care to evaluate the quality of Alfie's present circumstances, even though I accept entirely the conclusion of the medical evidence that treatment for Alfie is futile. It does not follow axiomatically that the futility of Alfie's situation leads to the immediate withdrawal of ventilation. Life itself has intrinsic value, however tenuous or vestigial it's hold. I am very much aware that both parents are Roman Catholics, brought up in that tradition. They do not present themselves as devout or observant but it is obvious to me that their faith plays a part in their life and sustains them both at this very difficult time. In his closing remarks F said that Alfie is "our child and a child of God". It is important that these beliefs are considered within the broad gamut of relevant factors to which I have alluded and which collectively illuminate where Alfie's best interests lie.

52 Mr Mylonas presented a document to the parties which I permitted to be filed within the proceedings. The position of the Roman Catholic Church is sometimes characterised inaccurately in cases concerning these difficult ethical issues. Mr Mylonas's document is an open letter, by His Holiness Pope Francis to the President of the Pontifical Academy for Life, dated November 2017. In his message Pope Francis called for "greater wisdom" in striking a balance between medical efforts to prolong life and the responsible decision to withhold treatment when death becomes inevitable. His letter identifies that not adopting or suspending disproportionate measures can avoid over-zealous treatment. I would not presume to add any gloss to the following extracts:

[The extracts are set out in full in the judgment. They state the Church's position by reference to a statement by Pope Pius XII, the *Declaration on Euthanasia* by the Congregation for the Doctrine of the Faith dated 5<sup>th</sup> May 1980 and the Catechism of the Catholic Church. The judgment then continues.]

...

54 In her evidence the Guardian expressed her clear support for the Trust's application..... She stated that in her view Alfie's life now lacks dignity and his best interests can only be met by withdrawing ventilation. This evidence from an experienced children's guardian requires to be considered very carefully. I have done so. With great respect to her I disagree with her view on Alfie's dignity. As I had promised the family I attended the PICU at Alder Hey to meet Alfie. I was greeted not merely with courtesy by the parents and a number of aunts and uncles but with a sincere and genuine warmth. I was and remain grateful to them. Alfie's pod in the unit is large, comfortable and he is surrounded by some of the world's most up-to-date technology. F was, in my presence, assiduous to Alfie's care. He is entirely besotted with his son. M, both parents agree, is far less involved in Alfie's practical care and less confident. Her contribution, in my assessment, is of an entirely different complexion. She has, if I may say so, a zany and delightful sense of humour entirely free from self-regard or pomposity. Her love for her partner and her son was obvious. The atmosphere around Alfie was peaceful, dignified and though some might find it surprising for me to say so, very happy. The primary engine for all this is Alfie's mum.

55 Alfie's bed is festooned with toys. His walls are plastered with photographs and his many supporters have delivered a variety of football shirts to him. One, in particular, was signed by the entire Everton squad specifically for him.

56 Supporting all this is the diligent professionalism of some truly remarkable doctors and the warm and compassionate energy of the nurses whose concern and compassion is almost tangible. All this creates an environment which inherently conveys dignity to Alfie himself. In

*my judgment his life has true dignity. The far more challenging question is whether and if so how that can be maintained.*

## The Facts

7. Alfie Evans had been in the Paediatric Intensive Care Unit (PICU) at Alder Hey Hospital since December 2016. He had been cared for by, amongst others, a Dr R (a consultant in paediatric neurology) and a Dr M (a consultant paediatrician) both of whom gave evidence and were cross-examined before the Judge.
8. In June 2017, the hospital decided to instruct an independent expert to review its diagnosis. The facts surrounding this review and its conclusions are set out in the following paragraphs of the first judgment:

*13 In the light of the parents real and entirely understandable concern about the underlying neurological diagnosis, Professor Judith Cross was instructed independently to review the clinical history, the EEG's and the serial MRI's. I shall turn in more detail to the MRI scans shortly but it is beyond doubt that they confirm a 'rapidly progressive destructive brain disease'. Professor Cross is presently the Prince of Wales' Chair of Childhood Epilepsy at UCL - Great Ormond Street Institute of Child Health. She is also Honorary Consultant in Paediatric Neurology. She reviewed Alfie at the PICU on 15 June 2017.*

*14 .... Professor Cross told me that she reviewed the serial EEG investigations. She emphasised that there is a 'striking' and 'marked' distinction between those of December and those post-January. Those in December reveal evidence of hypsarrhythmia i.e. activity, particularly during sleep. However, in January (2017) Professor Cross was clear that there was little in the way of reactive response. The EEG she told me was "markedly attenuated" which she clarified as "essentially flat". The only identifiable activity followed immediately upon epileptic seizure and quickly disappeared.*

*15... When Professor Cross gave her evidence the August scan was the most recent. Because that scan was now nearly six months old I asked if a further MRI scan could be taken in order that I had the most up-to-date evidence. I was reassured by Dr R that this would not be an intrusive or unsettling investigation for Alfie. The most recent scan is dated 2 February 2018.  
...*

*16 Professor Cross concluded that Alfie has a progressive, ultimately fatal neurodegenerative condition, most likely a mitochondrial disorder. During her cross-examination by F she told him in gentle terms that even if it were possible to stop Alfie's seizures, which did not look likely given his poor response to anti-convulsant treatment to date, his brain is entirely beyond recovery. The brain she said, again on F's enquiry, simply has no capacity to regenerate itself unlike e.g. the liver. She agreed that nobody knew quite why the brain does not have the ability to do so but it is simply acknowledged by neurologists that it cannot...*

*17... Nothing in the brain was functioning normally. Professor Cross considered that the brain was now only able to generate seizures... It is important to highlight Professor Cross's ultimate conclusion clearly. She told me that "even if Alfie is able to sustain respiration in the short term, on discontinuing ventilation, his respiratory effort will not sustain life."*

9. What followed is, perhaps, most conveniently set out in the following passages from the judgment of Lady Justice King in the Court of Appeal (*Re E (a Child)* [2018] EWCA Civ 550):

19. In August 2017, in the light of the latest MRI, the Trust had discussions with the father proposing that treatment of Alfie should be limited, including the marking of his notes with "Do Not Resuscitate." While initially agreeing to this, the parents subsequently withdrew that agreement. In the light of this impasse, at a meeting on 25 August 2017 the parents were asked to provide the clinicians at Alder Hey with a list of those specialists that they would wish Alder Hey to contact with a view to requesting them, or some of them, to conduct further independent reviews of Alfie. Dr M contacted the doctors on the parents' list, doctors who live and work variously in the United States, Germany, and the United Kingdom. Of those approached, Dr Samuels, a consultant respiratory paediatrician, was the only one who had the necessary expertise and was willing to review Alfie. This he did, at the parents' request, on 30 August 2017.

20. Dr Samuels agreed with the diagnosis of the Alder Hey team, and with the futility of treatment...[Dr Samuel's opinion is set out more fully at paragraph 24 of the first judgment of Mr Justice Hayden]

...

21. On 6 September 2017 a firm of Italian lawyers, instructed by the family, requested that a clinical team from Ospedale Pediatrico Bambino Gesù in Rome assess Alfie. Three specialists from Bambino Gesù in Rome reviewed Alfie's records and on 11 September 2017 travelled to Alder Hey to examine him. They too agreed that Alfie had a neurodegenerative disease and fitting disorder which was untreatable. They agreed that even if further testing were carried out, it would not provide a cure or, "bring a different treatment plan." Nowhere in their report was it suggested that it would be in Alfie's best interests for ventilation to be continued. Bambino Gesù were, however, prepared to treat Alfie at their hospital in Rome.

...

22...Notwithstanding the reports of both Dr Samuels and the Bambino Gesù team, further attempts at mediation between the Trust and the family in November 2017 did not result in agreement. In those circumstances, some 13 months after his referral to the hospital, on 5 December 2017 Alder Hey issued an application in the High Court

...

28. Upon the advice, or recommendation, of the same unknown supporter, an application was next made for a report prepared by Professor Nikolaus Haas, Medical Director of the Department of Paediatric Cardiology and Paediatric Intensive Care at the University Hospital in Munich. Alder Hey cooperated fully with the preparation of Professor Haas' report [dated January 2018]. Professor Haas too shared the view of Alder Hey as to the prognosis in relation to Alfie. He too agreed that no further tests were appropriate or necessary. He did, however, recommend that a tracheostomy and gastrostomy be fitted, which would potentially allow home ventilation for the "short rest of his life."

10. Mr Justice Hayden set out the list of doctors that had been instructed by the family at paragraph 18 of his first judgment. At paragraph 19 he summarised the medical evidence:

*It is recognised that all the doctors have come to the conclusion that Alfie is suffering from a neurodegenerative disorder. Nobody knows what triggered or caused this devastating erosion of Alfie's brain, there is no diagnosis and there may never be. The fact remains however that all agreed the degeneration is both catastrophic and untreatable.*

And at paragraph 28:

*The scan of 2 February 2018 confirmed the progressive destruction of the white matter of the brain which Dr R interpreted as now appearing almost identical to water and cerebrospinal fluid (CSF)... In simple terms..., the vast majority of the white matter of the brain and a significant degree of the cortex have been wiped out by this remorseless degenerative condition.*

### **Travel to Italy**

11. A significant amount of the negative commentary (including an editorial in *The Tablet*) has placed emphasis on the refusal by the Judge to approve the transfer of Alfie to the Bambino Gesù hospital in Rome. It is therefore necessary to set out the evidence and conclusions on this question.
12. It is necessary first to underline (if it is not clear already from the above) that the focus of the doctors at the time of the proceedings was on proper palliative care for Alfie. A sense for their position can be gleaned from the Judge's summary of Dr Samuel's evidence (it will be remembered that he was independent of Alder Hey and was instructed by Alfie's family):

*'...Dr Samuels considered that the appropriate course was to offer palliative care to Alfie. This he considered would be best served by symptom management i.e. keeping Alfie comfortable and withdrawal of ventilation and intensive care. In his thinking the combination of the futility of Alfie's life (i.e. the absence of any prospect of recovery) and the uncertainty of knowing whether Alfie is suffering were key factors.'*

13. The Bambino Gesù and Dr Haas appear, at least at this stage, to offer different palliative care options (as the Judge said in his third judgment ([2018] EWHC 953 (Fam)), *'all that could be offered by the Bambino Gesù Hospital in Rome was an alternative palliative care plan. An end of life plan.'*) Bambino Gesù said: *'it is therefore possible that a prolonged ventilator support, with surgical tracheostomy should be performed...'* but, crucially, added:

*During clinical evaluation there were epileptic seizures induced by proprioceptive stimuli and associated with neurovegetative symptoms as cardiac rhythm and blood pressure disfunctions. This finding might affect a possible commute. A hypothetical transfer might be done from the patients bed to ambulance, to airport and subsequent ambulance or helicopter to the final destination. It is possible that during the travel Alfie may present continuous seizures due to stimulations related to the transportation and flight; those seizures might induce further damage to brain, being the whole procedure of transportation at risk*

14. This sets out one of the crucial factors that are not mentioned or considered by the commentators: the Court was, on any balanced view, bound to consider the evidence as to whether transporting Alfie to Rome would in fact make matters worse.

15. A crucial point about the evidence of both Dr Haas and Bambino Gesu about transportation appears from the following passage from the judgment:

*45 The assumption of BG [Bambino Gesu] and Professor Haas is that the short note provided by Dr Hubner of the 'Pediatric Air Ambulance' could be relied on. Whilst that is a perfectly reasonable assumption to have made I regret to say that I have been unable to. Dr Hubner gave evidence and was cross-examined by Mr Mylonas. He accepted that he had gone to the Alder Hey Hospital in a clandestine manner, posing as a friend of the family. He agreed with Mr Mylonas that he had deliberately withheld his professional status from the doctors and staff. He told me that he had never done that before. I am at least relieved to hear that. It is corrosive of the bonds of professional trust and co-operation which are intrinsic to good medical practice and indispensable in a case of this kind. Further, it emerged that Dr Hubner had provided a statement directly to the father and to his solicitors. This had not been filed in these proceedings but it was produced at my request. The statement began with an assertion by Dr Hubner that he had seen all of Alfie's files. He accepted in evidence that this was not the case. In fact, he has seen very little. I emphasise that the statement contained a Declaration of Truth. Perhaps most alarmingly, Dr Hubner's travel plan for Alfie, set out an anticonvulsant medical regime which, on the basis of Alder Hey's experience with Alfie would have been ineffective and inappropriate. In particular the Midazolam proposed by Dr Hubner was entirely contra indicated by his medical history. Dr Hubner also told Mr Mylonas that he had not used the Air Ambulance for the purposes suggested here in cases where patients were dying. I am at a loss to know quite why Dr Hubner fell so far below the standards expected of his profession. I am constrained to say that he has failed the parents, the Court but most importantly, Alfie. Mr Mylonas makes the point that he seemed not to recognise the extent and significance of his shortcomings in his evidence. I agree.*

16. However, even then, the Judge gave the family the benefit of the doubt. His reasons for not approving the transport to Italy are as follows. No criticism of the Judge can avoid a careful consideration of these reasons alongside the medical evidence of Alfie's condition. The Judge said:

*60 Whilst I have, for the reasons stated, rejected the evidence of Dr Hubner, I do not exclude the possibility that travel by Air Ambulance may remain a theoretical option. It requires to be considered however in the context of the matters above and one further important consideration. All agree that it is unsafe to discount the possibility that Alfie continues to experience pain, particularly surrounding his convulsions. The evidence points to this being unlikely but certainly, it can not be excluded.*

*61 Alongside all this it must be remembered that Alfie can not sustain life on his own. It is the ventilator that has been keeping him alive for many months, he is unable to sustain his own respiratory effort.*

*62 All this drives me reluctantly and sadly to one clear conclusion. Properly analysed, Alfie's need now is for good quality palliative care. By this I mean care which will keep him as comfortable as possible at the last stage of his life. He requires peace, quiet and privacy in order that he may conclude his life, as he has lived it, with dignity.*

*63 The plans to take him to Italy have to be evaluated against this analysis of his needs. There are obvious challenges. Away from the intensive care provided by Alder Hey PICU, Alfie is inevitably more vulnerable, not least to infection. The maintenance of his anticonvulsant regime, which is, in itself, of limited effect, risks being compromised in travel. The journey, self-evidently will be burdensome. Nobody would wish Alfie to die in transit.*

*64 All of this might be worth risking if there were any prospect of treatment, there is none. For this reason the alternative advanced by the father is irreconcilable with Alfie's best interests. F continues to struggle to accept that it is palliation not treatment that is all that can now be offered to his son.*

17. Although this did not form part of the Judge's reasons, the Court of Appeal noted that:

*38...It is clear and understandable that they have been unable to think through the disadvantages for them as a family to relocating either to Italy or Munich without the support of their extended families and unable to speak either language, in order to be able to spend Alfie's last weeks or months in what they currently regard as a more empathetic environment. Mr Knafler was unable to help the court to understand why the father's proposal involved Alfie being transferred to both Italy and Munich.'*

### **The Ventilator**

18. The Judge's conclusion on the ventilator picks up from where he left off after quoting from the Church's position on these matters. He said:

*66.It was entirely right that every reasonable option should be explored for Alfie. I am now confident that this has occurred. The continued provision of ventilation, in circumstances which I am persuaded is futile, now compromises Alfie's future dignity and fails to respect his autonomy. I am satisfied that continued ventilatory support is no longer in Alfie's best interest. This decision I appreciate will be devastating news to Alfie's parents and family. I hope they will take the time to read this judgment and to reflect upon my analysis.*

### **The two further applications to the Judge**

#### **(i) Habeas Corpus**

19. Notwithstanding the careful and compassionate judgment of the Court (subsequently upheld by the Court of Appeal, the Supreme Court and the European Court of Human Rights); notwithstanding, perhaps more importantly, the clear evidence of Alfie's state of health and obvious need for, as the judge put it: *'peace, quiet and privacy in order that he may conclude his life, as he has lived it, with dignity'*, a conclusion which would be obvious to any objective observer; an organisation called the 'Christian Legal Centre' (a sister organisation of 'Christian Concern') decided to act. What it did is set out at paragraphs 42 to 44 of the second Court of Appeal judgment (*Evans and Anor v. Alder Hey and Anor* [2018] EWCA Civ 805) as follows:

*42 On 12th April 2018 the father went to the hospital with some other people who included a foreign doctor and air ambulance staff. The father had a letter written to him by Mr Pavel*

*Stroilov of the Christian Legal Centre which, we were told, is a campaigning organisation. In the letter Mr Stroilov, who we have been told is not a lawyer, purported to give the father legal advice. He said that it would be lawful for the father to remove Alfie from the hospital and take him to any other place he chose. The previous order made by Hayden J was said not to have circumvented "your parental rights".*

*43 The letter, which was disseminated on social media (presumably with the knowledge and consent of Mr Stroilov), stated that:*

*"as a matter of law it is your right to come to (the) hospital with a team of medical professionals with their own life- support equipment and move Alfie to such other place as you consider is best for him. You do not need any permission from (the) Hospital or the court to do so".*

*44 This letter was misleading to the extent of giving the father false advice. We have been told that it had the most regrettable consequences in that it led to a confrontation in which Alfie was involved. The Police had to be called. An application had to be made as a matter of urgency to Hayden J.*

20. There can be absolutely no criticism of the father in these circumstances. All the Courts in this case have praised him for his dignity and his ability in representing his son's interests in the most appalling circumstances. The Judge referred, by way of example, to his *'essential courtesy and good manners throughout'*, his *'many thoughtful and impressive questions of medical experts'* and *'presentation of his case was extraordinarily impressive. His knowledge of the paperwork and the medical records was prodigious. His understanding of the functioning of the brain and his exploration of competing hypothesis was remarkable...he has absorbed the issues so completely and intelligently'*.<sup>1</sup>
21. There can, however, be comment on these and later actions (see below) by Christian Concern. They followed them by bringing an application for *habeas corpus*. That application was, as they must have known, hopeless as a matter of law. The application was heard by Mr Justice Hayden and then by the Court of Appeal.
22. They advanced the following argument in the Court of Appeal:

*(iii) Alfie's best interests are irrelevant to the arguments now being advanced on behalf of the parents. The parents views and wishes "trump" Alfie's best interests because, as his parents, they are entitled to make decisions for him even if, as we have said, what is proposed is inimical to his best interests.*
23. They argued that parents have 'unfettered rights'. This may have been a personal belief held by those behind Christian Concern. It would be a surprising position for the law to take and, again, Christian Concern must have known that that argument had no hope of succeeding. In our system if a person wishes to advance these personal beliefs in order to change the law,

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<sup>1</sup> The father was only acting for himself because he "parted company" with each set of lawyers he had. The judge allowed the hearing to take seven days rather than the scheduled two days in order to provide the father with every opportunity to put his case and the father was represented by a QC in the Court of Appeal.



the proper approach is to lobby Parliament. It is not to intervene in already tragically difficult cases and give people false hopes and extend and exacerbate their suffering.

24. There is a legitimate debate to be had about the interaction between the State and the rights and responsibilities of parents, however, that debate was not engaged in this case and on these facts.
25. Some flavour for the human effect of this activity is set out by the Court of Appeal at paragraph 66:

*66 It is not surprising that Alfie's tragic situation should cause emotions to run high. But, we cannot conclude this judgment without recording our dismay and concern at what we have been told have been the consequences of what has taken place at the hospital in recent days. These matters have not been the subject of any court determination. However, if true they are alarming. We were told that some members of the hospital staff could not get to the hospital because of road blockages; that staff, patients and family members were upset and frightened by what was taking place; that a group supporting the parents went into the Paediatric Intensive Care Unit to the concern of staff. If these events have taken place it is not difficult to see how they would impact negatively on the treatment being provided to patients at the hospital. Hospitals must be places which provide peace and calm. What we have been told has occurred is the very opposite.*

**(ii) The Application after the ventilator had been removed**

26. The Judge ([2018] EWHC 953 (Fam)) recorded the situation at the time of this final application as follows:

*11 That a channel of communication, however fragile, has been maintained between family and hospital has been down to a great many people, not least M and F but, particularly, staff at Alder Hey have been remarkable in achieving this. So too has Mr. Mylonas in creating a bridge between the litigation and the treatment....*

*12 Somehow this key relationship has survived and last night, when Alfie was finally extubated, his parents were present. That is, in itself, good news but even better was to follow, for Alfie was able to survive without the ventilator and to trigger the more detailed provisions of the palliative plan.*

*13 For the first time in many months, Alfie and his parents have been together without the need for him to be ventilated. At the end of his life that is a very special opportunity for all of them. I have been told that M has been able to cuddle Alfie for hours, something she has not been able to do for a long time.*

27. The reason that the matter had come to Court again, was, however, once again, Christian Concern. The Judge records what happened:

*14. Perhaps inevitably, there followed today a yet further application pursued by Mr. Diamond with characteristic fidelity to his instructions. A statement had been prepared*

*bearing the now instantly recognisable hallmark of Mr. Pavel Stroilov, a law student and case worker for Christian Legal Centre (CLC), who yesterday encouraged F to seek to issue a Private Prosecution alleging murder against some of the doctors at Alder Hey. It was properly rejected by the District Judge. Today's efforts by Mr. Stroilov were equally inconsistent with the real interests of the parents' case. The Witness Statement, which Mr. Diamond tells me Mr. Stroilov prepared, is littered with vituperation and bile, critical of those who have done so much to help Alfie, attacking the system generally and the Court in particular. I extract the following paragraphs by way of example...:*

28. This was supported by an email from the Italian Ambassador saying that Alfie Evans had been granted Italian citizenship and requesting his 'return' to Italy. It is hard to see how or why the Italian government thought it appropriate to intervene in this way. As the Judge said: *'Alfie has absolutely no connection with Italy at all nor do his parents. There can be no question of 'return'. He has never visited. Nor is there any basis for thinking that the Italian jurisdiction should supercede that of this Court...I can think of no more important application of the principles of international comity than in the context of vulnerable children.'*

29. Notwithstanding all this both the hospital and the Court took great pains to examine the position. The Judge recorded:

*1...One of the treating clinicians is here before me today. I have listened to her as once again, in challenging circumstances, she is repeatedly prepared to engage in exploring the range of options that might be available however fragile they might be, however optimistic the aspiration.*

*2 Alfie is not merely loved by his family, parents and supporters; he is loved by those who have been treating him for so long and so well.*

30. The Judge concluded, with the compassion he displayed throughout the proceedings:

*18 Having rejected the application, it seems to me that there is an altogether more structured argument that can, and ought to be advanced on behalf of the parents. That is, given that Alfie is now breathing independently, there arises an opportunity to explore creatively, ambitiously and even though it may be a forlorn hope, cooperatively, the options that may now emerge in a palliative care plan which could encompass, at least theoretically, Alfie being cared for, in his final hours or days, at home or in a hospice, or even on the ward and not in the PICU. Those who may come to read this judgment might think that the progression from PICU to the ward is a small milestone but I have already heard how much that would matter to M and F. As the doctor said, the key to this last and important opportunity is a real acceptance by the parents of the nature of the plan. It says, in my view, a great deal about the skill and compassion of the doctors and nurses that they still hold out for this opportunity.*

*19 There is in truth, with respect to the efforts of Mr. Diamond, no substance at all to this application. This represents, at least within the court process, the final chapter in the case of this extraordinary little boy.*

## **Conclusion**

31. At the centre of this case were a very sick child, grieving parents and a busy children's hospital. Any outside intervention or comment therefore needed to be considered with very great care. This simply could not be done without reading the judgments and carefully considering both the evidence and the reasons. It is hoped that at least some lessons may be learned from this case for the next time that something like this occurs.