

Reviews

A Guide to the Mental Health Act 1983. By Robert Bluglass. Edinburgh: Churchill Livingstone. 1983. Pp 152. £9.95.

A Practical Guide to Mental Health Law: The Mental Health Act 1983 and Related Legislation. By Larry Gostin. MIND. 1983. Pp 102. £2.50.

The Mental Health Act 1983 is a complex piece of legislation with its accompanying Regulations and Rules. No one can understand the new Act without knowing what these Statutory Instruments mean, and both these books assist psychiatrists by cogently guiding us along the right paths. In comparison, the DHSS's Memorandum on the Mental Health Act 1983 is stodgy and takes a lot of effort to comprehend. Both guides are typographically attractive and the chapters have been organized with care. Larry Gostin's chapter on 'Patients Concerned in Criminal Proceedings' is particularly clear and usefully refers to legislation affecting such patients other than the Mental Health Act 1983. On the other hand, his chapter on Mental Health Review Tribunals is rather thin and psychiatrists will certainly prefer Professor Bluglass's work, which spells out the criteria Tribunals have to consider for unrestricted and restricted patients: it is important to remember that there are now opportunities for patients on 28-day orders to appeal to Tribunals and 'automatic' Tribunals for all those on longer term orders.

Professor Bluglass is more informative, too, on Consent to Treatment, and this chapter has simple, but accurate, flow-charts. Comparison of their respective chapters on this important topic graphically illustrate the difference in philosophy between the two works: where the conditions for administering treatment have not been fulfilled, Mr Gostin says 'Don't treat', whereas Professor Bluglass rightly says 'Consider an alternative treatment'.

While Larry Gostin has largely discarded his 'pressure group' role, there are several instances where he strays from fact into opinion and propaganda. One concerns psychopathic disorder, where he wrongly says that the Butler Committee on Mentally Abnormal Offenders concluded that psychiatry was unable to provide any effective treatment for psychopathic disorders. The Butler Committee certainly weighed the evidence before them, but their conclusions were somewhat different: '... there is continuing uncertainty as to the treatability, in a medical sense, of the various conditions covered by the term psychopathic disorder or of the methods to be used.' The legal term 'psychopathic disorder' covers a range of patients with varying psychopathology, often with a neurotic basis. Mr Gostin's recommendation that 'behavioural goals' should be given to justify treatment pro-

grammes will not find agreement with psychiatrists who aim to treat, often with psychotherapy, the underlying psychopathology, and who recognize that behaviour, whilst detained in hospital, is no measure necessarily of the patient's underlying mental condition or dangerousness.

All too often Larry Gostin falls into the trap of referring only to his own published work (Professor Bluglass less often), resulting in less than comprehensive, accurate or up-to-date facts. In dealing with regional secure units, for instance, Mr Gostin refers to his book of six years ago since when the position has improved considerably. While there are still only a few permanent regional secure units in existence, there are over 600 places available in some 30 interim secure units throughout the country, and Mr Gostin makes no reference to the College's Report on Secure Facilities (written, incidentally, by Professor Bluglass).

It would not have taken much for Larry Gostin to concede that the recommendation to set up the Mental Health Act Commission came from the Royal College of Psychiatrists at a time when MIND were proposing a 'Committee on the rights and responsibilities of staff and residents of psychiatric hospitals'. It was only following publication of the Government discussion document in 1976 that MIND started favouring the establishment of such a Commission, and during the passage of the Mental Health (Amendment) Bill through Parliament in 1982 was still advocating that second opinions on consent to treatment should not be given by the Commission but rather by Mental Health Review Tribunals. There are several other instances where MIND claims credit for changes in legislation which were advocated not only by themselves, but also, and often earlier, by the Royal College of Psychiatrists.

There are already problems in interpreting the new Act (for instance on 'nominated deputies' for Section 5) and it is regrettable, but perhaps inevitable, that both works do not deal with issues which will undoubtedly arise under the new legislation. It will be of great assistance to psychiatrists and all other mental health professionals if Professor Bluglass, Larry Gostin and the DHSS collect examples of problems that have arisen in implementing the new Act with a view to incorporating them in revised editions at a future date.

I expect social workers will prefer Mr Gostin's Guide, but (despite the price difference) psychiatrists will certainly prefer that by Professor Bluglass: it is clear, indexed (Mr Gostin's isn't), comprehensive, authoritative and written by an expert. Every psychiatrist should have a copy of his own.

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