

# Foreword

I first represented a client at a Mental Health Review Tribunal in 1979, when the relevant law was the Mental Health Act 1959; there were no second opinion doctors, Mental Health Act Commission or Care Quality Commission and of course no Human Rights Act. The concepts of patients' rights, mental health survivors and patient advocacy were more or less unheard of, and non-means tested aftercare for detained patients had not yet come in.

Tribunal reports could be, and frequently were, withheld from patient applicants in their entirety, so they were often outside the door for much of the hearing, whether or not they were represented. There was no requirement for the medical member to outline his or her conversation with the applicant at the pre-hearing interview, and as it was not necessary for tribunals to give detailed reasons for their decisions the prospect of challenging a decision was really very low indeed.

Well, those days are long gone and the law, and society, now recognise the extreme vulnerability of people who are not only mentally disordered but also detained or deprived of their liberty. But it is not enough to have good laws, they also need to be understood if the rights of the individual are to be properly protected.

To be an effective representative, or even to be an effective tribunal member, you not only need to understand the relevant law on tribunals but also much wider issues; you need to know something about psychiatry and psychology, medication and treatment, risk assessment and risk management. And mental health professionals also need to understand the law if they are to be effective witnesses at tribunals.

This book, written by three well-known experts in mental health law, psychiatry and tribunals, contains everything those participating in tribunals could possibly need to know. It not only explains the law and procedure of Mental Health Tribunals but also describes their history; common mental disorders and how to treat them; the criteria for detention and discharge; the ways of challenging decisions and, specifically for legal representatives, how a case should be run.

The book is helpfully set out into subject areas, within which the combined expertise of the authors provides a comprehensive and readable account of the

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relevant issues. Much mental health law is notoriously opaque in its drafting, and the authors' lucid unpacking of the statutes is a pleasure to read.

I will use this book frequently, and recommend it to both newcomers to the field, who will receive an education, and old hands, who will enjoy refreshing their knowledge at this source.

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