

The College

Approval of Medical Practitioners under Section 28 (2) of the Mental Health Act, 1959*

For some time it has been a matter of concern to the College that medical practitioners may be recognized by Health Authorities under Section 28 (2) of the Mental Health Act, 1959, without sufficient attention being paid to their experience and qualifications in psychiatry.

The present recommendations of the DHSS are set out in the Appendix to SHSC(18)18 issued in 1974 when the duty of approval was transferred from Local to Health Authorities. It is in fact identical with the original recommendations issued when the Mental Health Act came into force.

Doctors who may possess special experience

1. The Secretary of State does not wish to suggest to authorities any definition of what constitutes special experience in the diagnosis or treatment of mental disorder. In general, he would wish those responsible for considering applications for approval to be selective and to maintain high standards. Normally he would expect that such special experience would be possessed by all medical practitioners who have a Diploma in Psychological Medicine (DPM) or an equivalent qualification and by members of the medical staffs of local authorities and some general practitioners who, though not possessing such a qualification, have acquired special practical knowledge of mental disorder. Doctors in the Prison Service and the Special Hospitals should not be overlooked.

2. Approval should not be refused because a practitioner's special experience does not extend to the full range of categories of mental disorder, so long as he has the necessary special experience in one or more categories. In practice such doctors will probably wish not to give recommendations under the Act in respect of patients of a category with which they are not normally concerned (except perhaps when the other recommendation is given by another 'approved' doctor with relevant special experience), but this cannot be made a formal condition of approval.

In the course of the College's review of the 1959 Mental Health Act it was agreed that there was obviously a need to lay down some criteria for the approval of doctors under Section 28, and the Court of Electors recommended the minimum requirements which are incorporated in the first paragraph of the document quoted above.

It was later noted that no attempt was made to set out standards for the approval of doctors in the White Paper on the Mental Health Act which was published in the autumn of 1978.

The College, however, now considers that the medical recommendation for compulsory admission of a mentally disordered person to hospital, or reception into guardianship under Part IV of the Act, should be undertaken by medical practitioners who can be seen to be experienced and qualified at the highest standard that can be achieved. Ideally, the medical practitioner should possess a DPM or the Membership of the Royal College of Psychiatrists. In addition, some general practitioners, although not possessing a DPM or the MRC Psych, have acquired special experience of psychiatry and the College recommends that general practitioners who fulfil the criteria for appointment to the Hospital Practitioner Grade should be approved under Section 28.

The criteria are laid down in Circular HC(79)16, Annex A as follows:-

'Two years' whole-time hospital experience in a specialty or specialties appropriate to the Hospital Practitioner appointment in question, or experience in a part-time hospital appointment or appointments, or any combination of appropriate whole-time and part-time experience which provides comparable experience of two years' whole-time in the appropriate specialty or specialties . . .'

The College expected new or amending legislation to follow the publication of the White Paper but, as members will be aware, this has not happened because of the change of Government and pressures on Parliamentary time since the election.

The above recommendations are therefore published for the information and guidance of members involved in the making of these appointments, until such time as they are incorporated in a new Circular or amending legislation. It is appreciated that these recommendations may well not apply to all medical practitioners already approved, but it is suggested that they should be borne in mind when new submissions are considered. This statement is also being sent to Medical Officers of Regional Health Authorities.

*Statement prepared by the Public Policy Committee and endorsed by Council 17 June 1980.