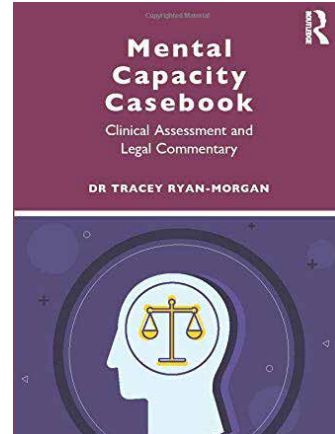


Book review

***Mental Capacity Casebook:
Clinical Assessment and Legal Commentary***
Tracey Ryan-Morgan
Reviewed by Gaby Parker
(Routledge, 2019)

THIS BOOK makes a novel contribution to the existing literature on mental capacity. Dr Ryan-Morgan begins with introductory chapters providing an overview of the Mental Capacity Act (MCA, 2005), the role of psychologists in assessments of capacity, and guiding principles for devising and conducting assessments. The main body of the text is given to chapters focused on specific capacity questions; for example, capacity to make financial, health and welfare, and litigation decisions, as well as make a will (testamentary capacity), engage in sexual relationships and get married, and fitness to plead/give evidence in court. Each case example presented has a closing commentary from an experienced barrister, highlighting legal points or dilemmas raised by the case.

The case examples are the great strength of this handbook. They illustrate the complexities experienced in real world practice, and the importance of triangulating interview, collateral information and neuropsychological/psychometric data in forming an opinion. In the introductory chapters, Dr Ryan-Morgan notes the paucity of guidance on the 'how to' of mental capacity assessment. Consistent with this many of the cases include detailed description of the interview schedules used (e.g. case CB re: testamentary capacity) and links are made to the relevant case law underpinning these. Other cases focus more on common pitfalls; for example, case HD illustrates how an over-emphasis on self-report may lead psychologists to underestimate attempts to mislead in reaching conclusions regarding fitness to plead. A wealth of references are available for the interested reader to draw upon if seeking to explore specific capacity decisions in more detail.



As such, the book will likely appeal more to practitioners with some pre-existing knowledge of mental capacity assessment who are looking to build on their existing skills, or experienced clinicians who are looking for suitable case examples to help support trainees and junior colleagues in their learning, rather than colleagues entirely new to the field. Whilst there are introductory chapters, these are brief and weave together complex clinical and legal literatures which may not be entirely accessible for those new to this aspect of practice.

Inevitably, in a field of practice that is ever-changing with each new judgement, a text like this will need updating to remain consistent with current case law and practice. It was published shortly before the Mental Capacity Amendment Act passed through parliament in late April 2019, and before revised BPS guidance (2019) on assessment of capacity. It would perhaps have been valuable for the final chapters to have provided signposting to sources of updated advice (for example, the 39 Essex Chambers mental capacity briefing updates). However, this text provides a very useful starting point regardless, and will be readily updatable in future as the case law develops.

Dr Gaby Parker

Consultant Clinical Psychologist
Hertfordshire Community NHS Trust
& Independent Practice