

Oral presentation

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Collegialism, therapy and mediation – the contribution of experts in Swedish mental health law

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from WPA Thematic Conference. Coercive Treatment in Psychiatry: A Comprehensive Review
Dresden, Germany. 6–8 June 2007

Published: 19 December 2007

BMC Psychiatry 2007, 7(Suppl 1):S103 doi:10.1186/1471-244X-7-S1-S103

This abstract is available from: <http://www.biomedcentral.com/1471-244X/7/S1/S103>

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Background

This article investigates the role of court appointed psychiatrist's (AP) in Swedish court hearings relating to compulsory psychiatric care.

Methods

Data consist of tape-recordings and documents from twelve court hearings together with informal interviews with actors in court.

Results

The possibility for APs to examine each case is limited by shortage of time and resources. Furthermore, APs may have to take into account an out-of-court, professional relationship to the treating psychiatrist (CP). We find that conversation between APs and CPs frequently are carried out in a "collegiate repertoire". These circumstances inhibit a detailed critical examination of the CP's application for compulsory care, which in turn helps explaining why APs seldom assess cases different from CPs. In the hearings, APs go beyond their official role by giving medical advice to citizen parties (patients). Also, applying a mediating repertoire, APs attempt to resolve clinical conflicts between CPs and citizen parties. As a result, the legal conflict at stake is downplayed.

Conclusion

The APs' contributions are unsatisfactory in some aspects. The lack of references to scientific evidence is an important difference between APs and a number of other experts assigned to assist in conflict resolution. Even if the AP takes an active part and poses questions during the hear-

ings, her/his substantive contribution to the hearings remains limited. In our view, the key to this problem is that how APs are required to deliver a statement about whether the legal admission criteria are satisfied. This seems to limit the Court's decision-making discretion. Contrary to that intention of subjecting ethically sensitive decisions to legal scrutiny, it seems that psychiatry has maintained its decision-making powers unchallenged when appointed psychiatrists have been assigned the role to legitimate the decisions made by the courts.