the power to take treatment decisions on behalf of mentally incompetent adults. Under current law, the courts can merely make declarations that doctors would not be acting unlawfully in providing, withholding, or withdrawing treatment in a patient's best interests.

Patients will be assumed to have mental capacity unless it can be proved otherwise. The bill sets out the tests for determining capacity, which must be judged in terms of the particular decision to be taken.

Advance directives or living wills are already enforceable at common law, but the measures in the bill will give greater certainty to doctors in deciding whether they are bound to act on them. (See p 1510.)

Clare Dyer *legal correspondent, BMJ*

Obese men can regain sexual function by losing weight and exercising

Losing weight and exercising more can improve sexual function in about a third of obese men with erectile dysfunction, new research says.

Researchers led by Dr Katherine Esposito of the Centre for Obesity Management at the Department of Geriatrics and Metabolic Diseases at the Second University of Naples, Italy, looked at the impact of lifestyle changes on 110 obese men with erectile dysfunction (*JAMA* 2004;291:2978-84).

Men randomly assigned to the intervention group (n=55) received detailed advice on how to achieve a loss of 10% or more in their total body weight by reducing energy intake and increasing their level of physical activity. Men in the control group were given general information about healthy food choices and exercise.

All of the men in the trial had a body mass index greater than 30 and had a score on the international index of erectile function of 21 or less, which is considered the threshold for being able to have sex.

After two years body mass index decreased more in the intervention group (from a mean of 36.9 (SD 2.5) to 31.2 (2.1)) than in the control group (from 36.4 (2.3) to 35.7 (2.5)) ($P<0.001$). The mean score on the index of erectile function also improved in the intervention group, from 13.9 (4.0) to 17 (5.0) ($P<0.001$), but remained stable in the control group (from 13.5 (4.0) to 13.6 (4.1) ($P=0.89$)).

Scott Gottlieb *New York*

Health needs of people with learning disabilities are neglected

People with learning disabilities are being neglected in hospital and receiving a poor standard of care across the NHS in England and Northern Ireland, says the learning disability charity Mencap in a report.

The report marks the launch of Mencap's campaign for better health care for this group of patients.

"People with a learning disability have the same rights as everybody else, and healthcare professionals should ensure they are treated with the same respect and values as other members of society," said Jo Williams, the charity's chief executive.

As part of the research for this report, Mencap surveyed 1000 people with learning disabilities. In common with most polls of patients, the survey showed a high level of satisfaction with services overall.

But Mencap says that disturbing individual case studies were unearthed, in which patients were misdiagnosed, undertreated, or inadequately nursed in hospital. In some of these cases the patient was left with increased disability or died.

The report also cites a survey of 215 GPs, 75% of whom said they had received no training to help them treat people with a learning disability.

Colleen Shannon *London*

Treat Me Right can be accessed at www.mencap.org.uk/treatmeright

Review finds child experts disagreed in 47 cases out of 5000

Clare Dyer *legal correspondent, BMJ*

The government launched a high level official inquiry last week into the use of expert witnesses in child abuse cases, in the face of a shortage of paediatricians willing to undertake court work.

Margaret Hodge, the children's minister, announced that the chief medical officer for England, Professor Liam Donaldson, would look at the competencies required to give expert evidence in the family courts, and ways of remedying the dearth of paediatricians, paediatric pathologists, and other experts who will agree to do the work.

The move comes amid what seems to be a crisis of public confidence in the competence of experts who testify in child care cases, after three high profile criminal cases in which mothers accused of killing their children were acquitted or had their convictions overturned on appeal. In one—the case of Angela Cannings, whose conviction for murdering two of her babies was quashed last year—the appeal court said no prosecutions should be brought in future where medical experts were in dispute and there was no other cogent evidence.

That ruling prompted the government to order a review of both criminal prosecutions of parents for child killing and family cases where a child had been taken into care, to find those where the result hinged on disputed medical evidence.

Mrs Hodge last week

announced the results of the first stage of the care cases review, covering children who have been the subject of care proceedings since 23 February this year. Of 5175 cases involving 9195 children, in only 385 cases did the finding of significant harm depend on expert evidence. Of those, there was a dispute between experts in only 47 cases, and in only one had the local authority concerned changed the care plan for the child as a result of the review.

In the second stage of the review, local councils will review around 30 000 care orders already made to check whether children have wrongly been taken into care on disputed medical evidence.

Of 100 criminal cases reviewed so far, possible grounds for appeal have been identified in five, Mrs Hodge said.

Paediatricians are reluctant to undertake child abuse work after media vilification of Professor Roy Meadow, who gave evidence for the prosecution in the Cannings case, and Professor David Southall, another regular prosecution expert, who was last week found guilty by the General Medical Council of abusing his professional position in the case of Stephen Clark (19 June, p 1455).

Professor Donaldson will conduct "a programme of work to determine how best to ensure the availability and quality of medical expert resources to the family courts." □

Children's minister Margaret Hodge has asked chief medical officer Professor Liam Donaldson to look at the skills needed to give evidence in the family courts