

STATES OF JERSEY



SOCIAL SECURITY MEDICAL APPEAL TRIBUNAL: APPOINTMENT OF CHAIRMAN

Lodged au Greffe on 17th November 2015
by the Minister for Social Security

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to appoint, in accordance with Article 34 of the Social Security (Jersey) Law 1974 and further to a process overseen by the Jersey Appointments Commission, Advocate Sarah Elizabeth Fitz as Chairman of the Social Security Medical Appeal Tribunal for a period of 5 years.

MINISTER FOR SOCIAL SECURITY

REPORT

1. Background

Article 6 of the [Social Security \(Determination of Disablement Questions\) \(Jersey\) Order 1974](#) requires the Minister to constitute the Social Security Medical Appeal Tribunal (SSMAT).

Following the appointment of an Interim Chairman in April 2015, recruitment has taken place for a Chairman.

The SSMAT hears appeals regarding the award of Long-Term Incapacity Allowance following assessments regarding loss of faculty made by a Medical Board. The Tribunal will review all facts placed before it by the Appellant and the Minister for Social Security and may confirm, reverse or vary the decision made by the Medical Board.

Changes to the Social Security (Determination of Disablement Questions) (Jersey) Order 1974 came into effect on 6th March 2015, setting out the requirement for the Tribunal to consist of a Chairman (or a Deputy Chairman) holding a qualification in law, and 2 medical practitioners (selected from a Panel of up to 8 members).

The medical practitioners to the SSMAT must be currently licensed to practice medicine with the UK's General Medical Council. The role of the medical practitioner in the assessment of award for Long-Term Incapacity Allowance is determining that there is a loss of faculty, the degree of loss of faculty, and the period of the award.

Because of the medical nature of the test, it requires the knowledge and experience of a medical practitioner.

This report discusses the appointment of the legal Chairman.

2. Tribunal Chairmen

The Minister is responsible for the constitution of 3 different Appeal Panels: the Social Security Medical Appeal Tribunal (SSMAT), the Social Security Tribunal (SST), and the Income Support Medical Appeal Tribunal (ISMAT). In consultation with the Judicial Greffe, who are responsible for the convening and administration of the Tribunals, consideration was given to developing the role of Chairman across all 3 Tribunals to ensure consistency of process and decision-making. This supports the further development of a Tribunals Service.

An Interim Chairman was appointed in April 2015, to allow time for a formal recruitment process to take place.

3. Chairman of the Social Security Medical Appeal Tribunal

Following a recruitment process overseen by the Appointments Commission, it is proposed to appoint Advocate Sarah Fitz as Chairman to the SSMAT for a 5-year period. Advocate Fitz is currently the Chairman of the Mental Health Tribunal, and the Minister considers that she has the appropriate experience to extend this role across the 3 Tribunals the Minister is responsible for, ensuring a consistent approach to the Tribunals Service.

4. Terms of appointment

The Social Security (Determination of Disablement) (Jersey) Order 1974 provides that members of the Tribunal are appointed by the States on the recommendation of the Minister after consultation with the Jersey Appointments Commission.

The Minister therefore recommends the appointment of Advocate Sarah Fitz for a term of 5 years.

The Minister is satisfied that Advocate Fitz has the necessary skills and experience.

5. Member proposed for appointment

Chairman of the Social Security Medical Appeal Tribunal:

Advocate Sarah Fitz has been a partner at Ogier since 1989, being a Managing Partner for many years, and recently Chairman. These roles encompassed the combined Law firm and Trust company, employing over 800 people and operating in several jurisdictions. In addition, Advocate Fitz has worked as a criminal, matrimonial, public law and mental health practitioner since 1987, and has both defended and prosecuted criminal cases as a Crown Advocate.

Advocate Fitz will retire from Ogier in January 2016, is the current Chairman of the Mental Health Tribunal and has been appointed as a Relief Magistrate with effect from her retirement from Ogier.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the proposed appointment.