

STATES OF JERSEY



INCOME SUPPORT MEDICAL APPEAL TRIBUNAL: APPOINTMENT OF LAY MEMBER AND RE-APPOINTMENT OF MEDICAL PRACTITIONER MEMBER

Lodged au Greffe on 25th February 2020
by the Minister for Social Security

STATES GREFFE

PROPOSITION

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

in accordance with Article 9 of the Income Support (Jersey) Law 2007 and further to a process overseen by the Jersey Appointments Commission, to make the following appointments to the Income Support Medical Appeal Tribunal, for the periods stated below –

Ms. June Summers-Shaw – lay member – 5 years
Dr. Brendan Kellett – medical practitioner – 4 years.

MINISTER FOR SOCIAL SECURITY

REPORT

1. Background

Article 15 of the [Income Support \(General Provisions\) \(Jersey\) Order 2008](#) provides for the composition of the Income Support Medical Appeal Tribunal (“ISMAT”) and the terms of appointment of its members.

The ISMAT hears appeals on the award of the impairment component under the Income Support system, and any other decisions made on medical grounds. It may also hear appeals regarding care requirements for Home Carer’s Allowance and the care assessments for Long-Term Care. 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 Department’s determining officers.

The ISMAT consists of a Chair (or Deputy Chair) holding a qualification in law, a medical practitioner, and a lay member.

Medical practitioners appointed to the ISMAT must be currently licensed to practise medicine with the UK’s General Medical Council. The role of the medical practitioner is to help the Tribunal interpret and understand specific clinical information and its relevance or not in the determination.

The lay member must have experience either through their work, from having cared for someone, or because of their own situation, of the needs of someone with a disability. Panel members use this experience to interpret the information provided and consider whether a reasonable assessment has been made.

This report recommends the appointment of a new lay member and the re-appointment of a medical practitioner.

2. Tribunals

The Minister is responsible for the constitution of 3 different Tribunal 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, the role of Chairman was developed across all 3 Tribunals to ensure consistency of process and decision-making, and supporting the further development of a Tribunals Service. The same principle is being applied, as appropriate, to Deputy Chairs and panel members, ensuring a stronger pool available for each Tribunal.

3. Terms of appointments

The Income Support (General Provisions) (Jersey) Order 2008 provides that members of the Tribunal are appointed by the States, and are eligible for re-appointment on the recommendation of the Minister after consultation with the Jersey Appointments Commission.

The Minister therefore recommends the appointment of Ms. June Summers-Shaw as a lay member for a 5-year period, and the re-appointment of Dr. Brendan Kellett as a medical practitioner member for a further term of 4 years. Both appointments comply

with the Appointments Commission's guidance to provide for a maximum period of 9 years served.

The Minister is confident that both individuals have the necessary skills and attributes to uphold the fairness and integrity of the tribunal system.

4. Members proposed

Lay member to the Income Support Medical Appeal Tribunal:

Ms. June Summers-Shaw is a qualified and experienced lecturer and employment law adviser working in the public and private sectors. As a lecturer she worked within the area of Special Educational Needs.

In 2001 she established, with a colleague, the Jersey Advisory and Conciliation Service ("JACS"), and as a result is an experienced mediator.

Ms. Summers-Shaw was for many years an Assessor/ Verifier for management qualifications for the States of Jersey, sat on the Health and Safety Committee within the Social Security Department, and was the representative for the Education Department on the Human Rights Advisory Panel.

As a former foster-carer, she sat from 2012 until 2016 as a member of, and then the Chair of, the Fostering Panel, also sitting occasionally on the Adoption Panel.

Medical practitioner to the Income Support Medical Appeal Tribunal:

Dr. Brendan Kellett graduated from the University of London in 1991, having previously attained a degree in Immunology from the same university.

He completed his foundation training at St. Thomas' Hospital, London and the General Hospital, Jersey. After a further 2 years in hospital medicine, Dr. Kellett completed the Vocational General Practitioner ("G.P.") training scheme and returned to Jersey in 1995, where he practises as a G.P.

5. Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of this Proposition.