

STATES OF JERSEY



INCOME SUPPORT 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 9 of the Income Support (Jersey) Law 2007 and further to a process overseen by the Jersey Appointments Commission, Advocate Sarah Elizabeth Fitz as Chairman of the Income Support Medical Appeal Tribunal for a period of 5 years.

MINISTER FOR SOCIAL SECURITY

REPORT

1. Background

Article 5 of the [Income Support \(General Provisions\) \(Jersey\) Order 2008](#) provides for the constitution of the Income Support Medical Appeal Tribunal (ISMAT) and the terms of appointment of its members.

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

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 Chairman (or a Deputy Chairman) holding a qualification in law, a medical practitioner and a lay member.

The Medical Practitioners to the ISMAT must be currently licensed to practice 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 discusses the appointment of the legal Chairman.

2. Tribunal Chairmen

The Minister is responsible for the constitution of 3 different Appeal Panels: the Income Support Medical Appeal Tribunal (ISMAT), the Social Security Tribunal (SST), and the Social Security Medical Appeal Tribunal (SSMAT). 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 Income Support Medical Appeal Tribunal

Following a recruitment process overseen by the Appointments Commission, it is proposed to appoint Advocate Sarah Fitz as Chairman to the ISMAT 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 Income Support (General Provisions) (Jersey) Order 2008 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 Income Support 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.