

STATES OF JERSEY



HEALTH SERVICES DISCIPLINARY TRIBUNAL: CONSTITUTION AND APPOINTMENT OF MEMBERS

**Lodged au Greffe on 11th March 2008
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 the provisions of Schedule 2 to the Health Insurance (Jersey) Law 1967, the following persons as Chairman, Deputy Chairman and lay members of the Health Services Disciplinary Tribunal for a period of 3 years from 1st June 2008–

Advocate David Eldon Le Cornu – Chairman
Mr. Conrad Coutanche – Deputy Chairman
Mr. Colin Henry Letto – Lay Member
Mr. Philip J.A. Le Claire – Lay Member
Mr. Nigel Collier-Webb – Lay Member.

MINISTER FOR SOCIAL SECURITY

REPORT

1. Introduction

Under the Health Insurance (Jersey) Law 1967, the Minister for Social Security has the power to take disciplinary action against any approved General Practitioner or Pharmacist whose conduct is believed to have had a prejudicial effect on the administration of and/or created an unreasonable cost to, the Health Insurance Fund.

2. Role of the Tribunal

If representation is made to the Minister regarding the conduct of a General Practitioner or Pharmacist, then the matter is referred to the Health Services Disciplinary Tribunal. If it upholds the complaint, the Tribunal can make recommendations to the Minister, either that approval is withdrawn, or where an unreasonable cost is proved, that an amount should be repaid to the Health Insurance Fund.

3. Constitution of the Tribunal

The Tribunal when constituted must consist of a Chairman, who is a lawyer of not less than 5 years' standing, 2 members of the public and 2 members of an appropriate professional body. The Chairman and lay members are selected from a panel of members that is constituted by the States, and the professional members are selected from a panel that is constituted by the Minister. Terms of office are for 3 years and the Minister may pay members any reasonable expenses incurred.

The Tribunal has met only twice in the last 40 years and did not meet at all during the last term of office.

In 2006, 2 lay members indicated their decision to resign on completion of their term of office. The subsequent recruitment of lay members to the Tribunal has taken 2 years.

4. Recruitment to the Tribunal

Recognising that the infrequent meeting of this Tribunal was disadvantageous to the recruitment and retention of public-spirited lay members, the Jersey Appointments Commission, recommended that a conventional recruitment programme would be unlikely to attract suitable members.

Consequently, over several months, the Tribunal vacancies were brought to the attention of people who had applied for positions on other panels and Tribunals who had requested that their application details be put forward for other similar bodies. Through this process, 3 applications were received.

An interview panel, consisting of an Officer of the Social Security Department, an Appointments Commissioner and an independent person, met in October 2007 and structured interviews were conducted against the required competencies. Two applicants were chosen; the third applicant was unable to attend the interview and subsequently withdrew his application.

5. Chairman and Deputy Chairman

The States is asked to approve the appointment of the Chairman and Deputy Chairman, both of whom have indicated their willingness to continue for a further 3 year term of office—

- Advocate David Eldon Le Cornu as Chairman of the Tribunal. Advocate Le Cornu was called to the English Bar in 1974, and the Jersey Bar shortly after in 1976. He was appointed as Crown Advocate in 1994 and as relief Magistrate in 1997.
- Mr. Conrad Coutanche as Deputy Chairman of the Tribunal. Mr. Coutanche was a Senior Partner at Mourant, before his retirement from the firm in 2002.

6. Proposed Lay Members

The following lay member has indicated his willingness to continue for a further 3 year term of office:

Mr. Colin Henry Letto – Mr. Letto owns and runs his family business, Letto Jewellers.

Having completed the appointments procedure, as described in point 4 of this Proposition, the States is asked to approve the appointment of the following 2 candidates, each for a 3 year term:

Mr. Philip J.A. Le Claire– Mr. Le Claire is currently employed as the Jersey Branch Officer of the National Autistic Society and is an active member of the Jersey Scout Association.

Mr. Nigel CollierWebb – Mr. CollierWebb worked for the States of Jersey Police force for 30 years, and has since retired and taken up employment in a local publishing business.

The Minister in due course will appoint the professional members, in accordance with the Health Insurance (Jersey) Law 1967.

Resource implications

There are no additional financial or manpower implications for the States arising from this proposition.