

STATES OF JERSEY



HEALTH AND SAFETY APPEAL TRIBUNAL: APPOINTMENT OF CHAIRMAN

Lodged au Greffe on 15th August 2019
by the Minister for Social Security

STATES GREFFE

PROPOSITION

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

in accordance with the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989, to appoint Advocate Sarah Fitz as Chairman of the Health and Safety Appeal Tribunal, for a period of 3 years.

MINISTER FOR SOCIAL SECURITY

REPORT

Health and Safety Appeal Tribunal

Article 17 of the [Health and Safety at Work \(Jersey\) Law 1989](#) allows for the establishment of an Appeal Tribunal to determine appeals against administrative sanctions, Prohibition and Improvement Notices served by Health and Safety Inspectors, and decisions by the Minister on licensing provisions under the Law.

The [Health and Safety at Work \(Appeal Tribunal\) \(Jersey\) Regulations 1989](#) set out the arrangements for the Tribunal, including the appointment of members for a 3-year period of office. Regulation 2 provides for the Tribunal to consist of 4 members: a Chairman and Deputy Chairman who must both be advocates or solicitors of the Royal Court of at least 7 years' standing, and 2 other members.

The position of Chairman of the Tribunal has remained vacant since the previous Chairman's last term of office expired on 30th April 2017.

Appointment process

The appointment of members to the Health and Safety Appeal Tribunal is subject to the Code of Practice for Appointments to Autonomous and Quasi-Autonomous Public Bodies and Tribunals, issued by the [Jersey Appointments Commission](#). The Health and Safety Appeal Tribunal has the status of a lower tier body, requiring the principles and practices set out in the Code to be applied to the appointment process.

Recruitment to fill the vacancy has proved difficult since the term of office of the last post-holder expired on 30th April 2017. Advice received from the Jersey Appointments Commission at that time identified that the then Chairman, Mr. Philip Syvret, was not eligible to re-stand as he had served 3 full terms of office. The position has remained vacant since.

The vacancy has been advertised in the Jersey Evening Post on several occasions over the past 2 years, none of which generated any applications. The Manager of the Tribunal Service has also endeavored to identify eligible Advocates or Solicitors of the Royal Court that may be interested in holding the position.

I am delighted to confirm that Advocate Sarah Fitz has expressed a willingness for her name to be put forward.

Advocate Fitz was called to the Bar in 1987 and qualified as a Jersey Advocate in 1989. She is currently the Chairman of the Mental Health Tribunal, a position she has held since 2012, and Chairman of the two Social Security Tribunals and the Income Support Medical Appeal Tribunal, all of which she has held since 2016. Advocate Fitz was also appointed as a Relief Magistrate in 2017. I am therefore very satisfied that Advocate Fitz is an eminently suitable candidate to sit as Chairman of the Health and Safety Appeal Tribunal.

Although the Health and Safety Appeal Tribunal has only had to be convened on 3 occasions since 1989, it plays an essential role in the enforcement and administration of occupational health and safety legislation.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of this proposition. The costs associated with this appointment will be met from within existing budgets.