

# STATES OF JERSEY



## **SOCIAL SECURITY TRIBUNAL: RE-APPOINTMENT OF MEMBERS**

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**Lodged au Greffe on 3rd October 2013  
by the Minister for Social Security**

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**STATES GREFFE**

## PROPOSITION

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

to appoint, in accordance with Article 33A of the Social Security (Jersey) Law 1974, further to a process overseen by the Jersey Appointments Commission, the following persons as members of the Social Security Tribunal for the period stated against their name –

Advocate Charles Thacker	Chair	2 years
Advocate Marion Whittaker	Deputy Chair	3 years
Mr. David Moody	Panel Member	5 years
Mrs. Sandra Le Monnier	Panel Member	5 years

MINISTER FOR SOCIAL SECURITY

## **REPORT**

### **1. Background**

The Social Security (Determination of Claims and Questions) (Jersey) Order 1974 provides for the constitution of the Social Security Tribunal.

The Social Security Tribunal has been in place since 1974 and hears appeals on a range of benefits under the Social Security (Jersey) Law 1974, as well aspects of other legislation administered by the Social Security Department such as the Income Support and Health Insurance Laws.

The constitution of the Social Security Tribunal comprises a Chair (or a Deputy Chair), holding a qualification in law and 2 lay members from a Panel of up to 12 other members.

### **2. Social Security Tribunal**

The Tribunal will review all facts placed before it by the Appellant and the Minister for Social Security (or his representative), and make a determination within the appropriate aspects of the Law as to whether the decision is fair and reasonable.

The Tribunal may confirm, reverse or vary the decision made by the Department's Determining Officer. Hearings will be held in public unless the Tribunal considers it necessary to sit in private.

The Tribunal consists of a legal Chair, to ensure correct interpretation of legislation, and 2 lay members to provide a representative public view.

### **3. Terms of re-appointment**

The Social Security (Determination of Claims and Questions) (Jersey) Order 1974 provides that members of the Tribunal may be re-appointed for a further term of office. The appointment of Tribunal members is in accordance with the Jersey Appointments Commission Code for Quangos and Tribunals. Re-appointment of members is accepted providing it does not exceed a total of 10 years.

Following consultation with the Appointments Commission, to ensure continuity of the Tribunal it is proposed that the Chair be re-appointed for a 2 year term and the Deputy Chair for a 3 year term. This allows a staggering of the recruitment process moving forward.

It is proposed the members are re-appointed for a further 5 year term.

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

#### **4. Members proposed for re-appointment**

##### **Chair of the Social Security Tribunal:**

**Advocate Charles Thacker** was born and raised in Jersey. He studied law at Oxford prior to being called to the Bar in the UK in 1970. He was sworn in as an Advocate of the Royal Court of Jersey in 1974 and appointed Notary Public in the same year.

Advocate Thacker is a Senior Partner in the legal practice of Viberts and specialises in probate, property law and litigation.

He was elected President of the Jersey Law Society in June 2008, his term of office ending in 2012. Advocate Thacker also served as the Chair of the Health and Safety at Work Tribunal.

Advocate Thacker was appointed as Chair to the Social Security Tribunal in 2008 having been a member of the Panel since 1993. His experience is essential to the continuity of process of the tribunal hearings.

##### **Deputy Chair of the Social Security Tribunal:**

**Advocate Marian Whittaker** was born locally and qualified as a barrister in 1975 and as an Advocate in March 1977. Having practiced locally, her experience in general practice is broad but more recently includes private client, elderly client, family matters (which often includes matters relating to social security), wills and probate.

Advocate Whittaker has participated in several working parties advising the States of Jersey on changes to family law, both matrimonial and children, and in relation to sex discrimination.

Advocate Whittaker was Chair of the Jersey Family Law Association for several years, during which time the Association was engaged in active progress of family law in Jersey. She was previously Vice-Chair of Relate and she is currently Chair of the Family Mediation (Jersey), formerly the Jersey Family Mediation Service.

Advocate Whittaker has also been a member of the Criminal Injuries Compensation Board since 2010.

##### **Lay Panel Members:**

**Mr. David Moody** is currently employed at the States Ambulance Service, commencing in 1989 as an Operational Ambulance Paramedic, and now oversees several Paramedics, Ambulance Technicians and support staff. His role as Association Representative requires him to represent colleagues at disciplinary hearings.

On a personal level, he has first-hand experience in caring for someone with severe disabilities, covering issues likely to be considered by the Tribunal.

Mr. Moody is used to dealing with a wide variety of situations and people from varied backgrounds.

**Mrs. Sandra Le Monnier** has wide knowledge and understanding of the various benefit systems from her own experience. In March 2007, Mrs. Le Monnier gave up employment as a sales assistant to become a full-time carer, including the management of personal finances and benefit applications.

In her spare time, Mrs. Le Monnier, as a member of the Social Committee for St. Martin's Football Club since 1994, assists the club with fund-raising activities.

## **5. Financial and manpower implications**

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