STATES OF JERSEY

SOCIAL SECURITY MEDICAL APPEAL TRIBUNAL: APPOINTMENT OF MEMBER

**Lodged au Greffe on 10th January 2020
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 34 of the Social Security (Jersey) Law 1974, further to a process overseen by the Jersey Appointments Commission, Dr. Martin Barrett as a Medical Practitioner member of the Social Security Medical Appeal Tribunal for a period of 5 years.

MINISTER FOR SOCIAL SECURITY

REPORT

1.   Background

Article 6 of the <u>Social Security (Determination of Disablement Questions) (Jersey) Order 1974</u> provides for the constitution of the Social Security Medical Appeals Tribunal ("SSMAT").

The SSMAT hears appeals regarding the award of Long-Term Incapacity Allowance following assessments regarding loss of faculty made by a Medical Board. 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 Medical Board.

The constitution of the SSMAT comprises a Chair (or Deputy Chair) holding a qualification in law, and 2 Medical Practitioners (selected from a Panel of up to 8 members).

The Medical Practitioners to the SSMAT must be currently licensed to practice medicine with the UK's General Medical Council. The assessment of award for Long-Term Incapacity Allowance is based on the determination of a loss of faculty, the degree of loss of faculty and the period of the award.

Because of the medical nature of the test, it requires the knowledge and experience of a medical practitioner. In the Tribunal, the medical practitioner is there to interpret and understand specific clinical information and its relevance in the determination.

This report recommends 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"). Where appropriate, Panel members are appointed to other Tribunals, ensuring a stronger pool available for each Tribunal.

3.   Terms of appointment

The Social Security (Determination of Disablement Questions) (Jersey) Order 1974 provides that members of the Tribunal are appointed by the States on the recommendation of the Minister, after consultation with the Jersey Appointments Commission, and that members are eligible for a term of re-appointment.

The Minister therefore recommends the appointment of Dr. Martin Ernest Barrett.

The initial term of office is 5 years. An appointed member is then eligible for re-appointments for a further 4 years to comply with Appointments Commission's guidance of a maximum of 9 years served.

The Minister is confident that the individual proposed has the skills necessary to uphold the fairness and integrity of the tribunal system.

4.   Member proposed for appointment

Medical Practitioner to the Social Security Medical Appeal Tribunal

Dr. Martin Barrett trained in Birmingham and graduated in 1979. After hospital appointments in various parts of the United Kingdom, he became a General Practitioner (G.P.) in Jersey for 10 years, before moving to a position in the Head Office of the National Health Service. He received training from the Benefits Agency in respect of Incapacity Benefit, before returning as a G.P. to Jersey in 1998.

Dr. Barrett has a special interest in Forensic Medicine, regularly giving evidence in the criminal courts in England and Wales, and he has a role in the examinations held by the Faculty of Forensic and Legal Medicine.

On retiring from general practice, he was appointed Relief Coroner within the Viscount's Department of the Royal Court of Jersey.

Financial and manpower implications

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