

STATES OF JERSEY



SOCIAL SECURITY MEDICAL APPEAL TRIBUNAL: APPOINTMENT OF MEMBERS

**Lodged au Greffe on 19th March 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 6 of the Social Security (Determination of Disablement Questions) (Jersey) Order 1974, further to a process overseen by the Jersey Appointments Commission, the following persons as members of the Social Security Medical Appeal Tribunal for the period stated against their name –

Advocate Charles Thacker, Chairman (*interim period*) until 30th November 2015

Dr. Nicola Charles, Medical Practitioner 5 years

Dr. Brendan Kellett, Medical Practitioner 5 years

Dr. M. Richardson, Medical Practitioner 5 years.

MINISTER FOR SOCIAL SECURITY

REPORT

1. Background

Article 6 of the Social Security (Determination of Disablement Questions) (Jersey) Order 1974 requires the Minister to constitute the Social Security Medical Appeals Tribunal (SSMAT).

The SSMAT will consider appeals regarding the award of Long-Term Incapacity Allowance (LTIA) following assessments regarding loss of faculty made by a Medical Board. The Tribunal will review all the 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.

Until recently, appeals regarding LTIA were heard by the Medical Appeals Tribunal, comprising 3 Medical Practitioners. Changes to the Social Security Law came into effect on 19th January 2015 requiring the Minister to constitute the SSMAT. The constitution is given in the Social Security (Determination of Disablement Questions) (Jersey) Order 1974 as amended by the Social Security, Health Insurance and Income Support (Miscellaneous Provisions) (Jersey) Order 2015. This sets out the requirement for the Tribunal to consist of a Legal Chairman and 2 Medical Practitioners (selected from a Panel of up to 8 members).

2. Tribunal Chairmen

The Minister is responsible for the constitution of 3 different Appeal Panels – the Social Security Medical Appeal Tribunal (SSMAT), the Social Security Tribunal (SST) and the Income Support Medical Appeal Tribunal (ISMAT). In consultation with the Judicial Greffier, who is responsible for the convening and administration of the Tribunals, consideration is being given to developing a role of Chairman across all 3 Tribunals to ensure consistency of process and decision-making. This would support the further development of a Tribunals Service.

3. Chairman of the Social Security Medical Appeal Tribunal

Mindful of the changes noted above, the Minister sought the agreement of the Appointments Commission to appoint an interim Chairman to the SSMAT while the role of Chairman is further defined and a recruitment process is completed.

It is therefore proposed to appoint Advocate Charles Thacker as Chairman to the SSMAT for an interim period. Advocate Thacker is currently the Chairman of the SST and the Minister considers that this vacancy is best filled by an experienced Chairman until further recruitment can take place.

4. Medical Practitioners

The role of the Medical Practitioner in the assessment of an award for Long-Term Incapacity Allowance is to determine that there is a loss of faculty, the degree of that 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.

Two Medical Practitioners, Drs. Nicola Charles and Brendan Kellett, were recently recruited by the Appointments Commission to serve on the SSMAT. A third practitioner, Dr. Michael Richardson, had served on the Medical Appeal Tribunal prior to the change in legislation which took effect on 19th January 2015. Dr. Richardson's recruitment was also overseen by the Appointments Commission. It is proposed to appoint Dr. Richardson to the SSMAT constituted under the new legislation.

5. Terms of appointment

The Social Security (Determination of Disablement) (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.

The Minister therefore recommends the Appointment of –

- Advocate Thacker as Chairman until November 2015
- Drs. Charles, Kellett and Richardson to the panel of Medical Practitioners for a term of 5 years.

Dr. Richardson's appointment is within the appropriate timescales as recommended by the Appointments Commission.

The Minister is satisfied that the individuals proposed have the necessary skills and experience.

6. Members proposed for appointment

Chairman of the Social Security Medical Appeal 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. He also served as the Chairman of the Health and Safety at Work Tribunal.

Advocate Thacker was appointed as Chairman of the Social Security Tribunal in 2008, having been a member of the Panel since 1993.

Medical Practitioners:

Dr. Nicola Charles graduated from Guys, Kings and St. Thomas' Medical School (now known as King's College London Medical School) in 2005.

Dr. Charles undertook her foundation years training at Queen Elizabeth Hospital, Woolwich, London and at the General Hospital, Jersey; and completed her Senior

House Officer training in July 2009, specializing in acute care common stem (acute medicine, emergency medicine, intensive care and anaesthetics).

Dr. Charles returned to the Jersey General Hospital in August 2009, and has since been employed by the States of Jersey in the Emergency Department, and became a member of the College of Emergency Medicine (now the Royal College of Emergency Medicine) in 2010.

Dr. Brendan Kellett graduated from the University of London in 1991, having previously attained a degree in Immunology from the same university.

He completed his foundation training at St. Thomas' Hospital, London and the General Hospital, Jersey. After a further 2 years in hospital medicine, Dr. Kellett completed the Vocational G.P. training scheme and returned to Jersey in 1995, where he practices as a G.P.

Dr. Michael Richardson trained in Edinburgh and graduated in 1982. After completing training in various parts of England, he was appointed as a consultant in the north-east of England in 1991, moving to Jersey to take up his current position in 1993.

His special areas of interest are General Internal Medicine, Care of the Elderly, Rehabilitation, Rheumatology and Osteoporosis. He is currently Clinical Director of Medicine for the General Hospital and a Royal College Tutor. He supports The Parkinson's Disease Society and has undertaken the role of President of the Jersey Branch.

7. Financial and manpower implications

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