

# STATES OF JERSEY



## INCOME SUPPORT MEDICAL APPEAL TRIBUNAL: APPOINTMENT OF MEMBER

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Lodged au Greffe on 27th February 2018  
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 9 of the Income Support (Jersey) Law 2007, and further to a process overseen by the Jersey Appointments Commission, Dr. Benjamin John Griffiths, Medical Practitioner, as a member of the Income Support Medical Appeal Tribunal for a term of 5 years.

MINISTER FOR SOCIAL SECURITY

## **REPORT**

### **1. Background**

Article 15 of the [Income Support \(General Provisions\) \(Jersey\) Order 2008](#) provides for the composition of the Income Support Medical Appeal Tribunal (“ISMAT”) and the terms of appointment of its members.

The ISMAT hears appeals on the award of the impairment component under the Income Support system and any other decisions made on medical grounds. It may also hear appeals regarding care requirements for Home Carer’s Allowance and the care assessments for Long-Term Care. 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 Department’s Determining Officers.

The ISMAT consists of a Chairman, (or a Deputy Chairman) holding a qualification in law, a medical practitioner, and a lay member.

Medical Practitioners appointed to the ISMAT must be currently licensed to practice medicine with the UK’s General Medical Council. The role of the medical practitioner is to help the Tribunal interpret and understand specific clinical information and its relevance, or not, in the determination.

The lay member must have experience either through their work having cared for someone, or because of their own situation, of the needs of someone with a disability. Panel members use this experience to interpret the information provided and consider whether a reasonable assessment has been made.

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

### **3. Terms of appointment**

The Income Support (General Provisions) (Jersey) Order 2008 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 Dr. Benjamin Griffiths.

The initial term of office is 5 years. An appointed member is then eligible for re-appointment, for a further 4 years, to comply with Appointment’s Commission 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 Income Support Medical Appeal Tribunal:**

**Dr. Benjamin John Griffiths** was born and schooled in Jersey. He worked for the Chief Minister's Department from 2006 to 2008 and qualified in Medicine in London in 2012. Dr. Griffiths covers anaesthetics, peri-operative medicine and intensive care medicine. He has, separately, been appointed as a Medical Member of the First Tier Tribunal of England and Wales.

##### **Collective responsibility under Standing Order 21(3A)**

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Minister for Social Security, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

##### **Financial and manpower implications**

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