

STATES OF JERSEY



INCOME SUPPORT 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 15 of the Income Support (General Provisions) (Jersey) Order 2008, further to a process overseen by the Jersey Appointments Commission, the following persons as members of the Income Support 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.

MINISTER FOR SOCIAL SECURITY

REPORT

1. Background

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.

Following the resignation of the Chairman and the retirement of 2 Medical Practitioners, recruitment has taken place for new 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 ISMAT consists of a legal Chairman, a Medical Practitioner and a lay member.

The lay member must have experience either through their work, from 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 discusses the appointment of a legal Chairman and a Panel of 2 Medical Practitioners.

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 Income Support Medical Appeal Tribunal

Following the resignation of the Chairman of the ISMAT, and mindful of the changes noted above, the Minister sought the agreement of the Appointments Commission to appoint an interim Chairman to the ISMAT 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 of the ISMAT for an interim period. Advocate Thacker is currently the Chairman of the SST, and the Minister considers that the vacancy is best filled by an experienced Chairman until that recruitment process takes place.

Advocate Thacker's term of appointment on the SST expires in November 2015.

4. Medical Practitioners on the Income Support Medical Appeal Tribunal

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

5. 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 for Social Security, after consultation with the Jersey Appointments Commission.

The Minister therefore recommends the appointment of –

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

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

6. Members proposed for appointment

Chairman of the Income Support 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. Advocate Thacker also served as the Chairman of the Health and Safety at Work Tribunal.

Advocate Thacker was appointed as Chairman to the Social Security Tribunal in 2008, having been a member of the Panel since 1993: his further re-appointments as Chairman have been agreed with the Appointments Commission.

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.

7. Financial and manpower implications

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