

STATES OF JERSEY



INCOME SUPPORT MEDICAL APPEAL TRIBUNAL: APPOINTMENT OF CHAIR

Lodged au Greffe on 3rd November 2020
by the Minister of Social Security

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, further to a process overseen by the Jersey Appointments Commission, the following person as the Chair of the Income Support Medical Appeal Tribunal for the period stated against their name –

Advocate Simon Thomas – 5 years

MINISTER FOR SOCIAL SECURITY

REPORT

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 and may confirm, reverse or vary the decision made by Determining Officers.

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

The Medical Practitioners to the ISMAT must be currently licenced 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, 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 the legal Chair.

The Minister for Social Security is responsible for the constitution of three different Appeal panels, the Social Security Medical Appeal Tribunal (SSMAT), The Social Security Tribunal (SST) and the Income Support Medical Appeal Tribunal (ISMAT). The role of Chair has been developed across all three Tribunals to ensure consistency of process and decision-making and to further support the development of a Tribunals Service.

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.

Therefore, as the current Chair's term of office expires during December 2020, a formal recruitment process overseen by the Appointments Commission, has been undertaken by the Judicial Greffe. Further to this it is proposed, subject to States approval, to appoint Advocate Simon Thomas as Chair to the SST for a five-year period from the date of States debate.

Advocate Simon Thomas qualified as a Jersey Advocate in 2014 and has been a partner at Baker & Partners since 2015. Prior to qualification in Jersey he was called to the English Bar in 1995 and practised at chambers in London until 2012 where he had a mixed civil and criminal practise, with a specialisation in serious criminal matters. Since qualification in Jersey he has had a wide and varied practice spanning areas such as trust law, family law, commercial disputes, employment law, judicial review, personal injury, regulatory and criminal law. He was appointed Crown Advocate in 2015, soon after qualifying, and has prosecuted some of the most high-profiled criminal cases to have come before the Royal Court in recent years. He is an

adjunct professor on the Jersey Law Course teaching on the Ethics & Procedure module and is a Gray's Inn advocacy trainer, approved to train newly qualified Jersey advocates.”

Financial and manpower implications

There are no financial or manpower implications regarding the appointment of the Tribunal Chair.