

# STATES OF JERSEY



## **SOCIAL SECURITY TRIBUNAL: APPOINTMENT OF DEPUTY CHAIRMEN AND RE-APPOINTMENT OF MEMBERS**

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**Lodged au Greffe on 23rd February 2016  
by the Minister for Social Security**

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**STATES GREFFE**

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

in accordance with Article 33A of the Social Security (Jersey) Law 1974, and further to a process overseen by the Jersey Appointments Commission, to appoint –

Advocate David Benest,  
Ms. Wendy Lambert (Solicitor), and  
Advocate Bryan Ian Le Marquand

as Deputy Chairmen of the Social Security Tribunal, each for a period of 5 years; and to re-appoint –

Mr. Alan Hall,  
Mr. Sam Le Breton, and  
Mr. John Moulin

as Panel Members of the Social Security Tribunal, each for a period of 4 years.

**MINISTER FOR SOCIAL SECURITY**

## **REPORT**

### **1. Background**

Article 8 of the Social Security (Determination of Claims and Questions) (Jersey) Order 1974 provides for the constitution of the Social Security Tribunal.

The Social Security Tribunal (SST) has been in place since 1974 and hears appeals on a range of benefits under the Social Security (Jersey) Law 1974, as well aspects of other legislation administered by the Social Security Department, such as the Income Support and Health Insurance Laws.

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 constitution of the Social Security Tribunal comprises a Chairman (or a Deputy Chairman) holding a qualification in law, and 2 lay members from a Panel of up to 12 other members.

This proposition relates to the appointment of Deputy Chairmen and the re-appointment of Panel members.

### **2. Tribunals**

The Minister is responsible for the constitution of 3 different Tribunal Panels, the Social Security Tribunal (SST), the Income Support Medical Appeal Tribunal (ISMAT), and the Social Security Medical Appeal Tribunal (SSMAT). In consultation with the Judicial Greffe, who are responsible for the convening and administration of the Tribunals, the role of Chairman was developed across all 3 Tribunals to ensure consistency of process and decision-making, and to support the further development of the Tribunals Service. The same principle is being applied, as appropriate, to Deputy Chairmen and Panel members, ensuring a stronger pool available for each Tribunal.

Advocate Sarah Fitz was appointed as Chairman of the SST, ISMAT and SSMAT in December 2015.

### **3. Terms of appointment and re-appointment**

The Social Security (Determination of Claims and 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 in line with the Appointments Commission's Code for Quangos and Tribunals<sup>1</sup>.

The Minister therefore recommends the appointment of –

- Advocate David Benest
- Ms. Wendy Lambert (Solicitor)
- Advocate Bryan Ian Le Marquand,

each for a term of 5 years.

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<sup>1</sup> This Code is currently under review.

The Minister also recommends the re-appointment of –

- Mr. Alan Hall
- Mr. Sam Le Breton
- Mr. John Moulin,

each for a term of 4 years, in line with current guidance.

The Minister is confident that all individuals proposed have the skills necessary to uphold the fairness and integrity of the tribunal system.

#### **4. Members proposed for appointment**

##### **Deputy Chairmen of the Social Security Tribunal:**

**Advocate David Benest** is an Advocate of the Royal Court of Jersey, with over 18 years' legal experience, having also practised as an English Barrister between 1995 and 1999, he qualified as a Jersey Advocate in 1999.

Advocate Benest is the Managing Partner of the recently founded firm Benest Corbett Renouf, and heads up its Insured Risks practice group. He conducts a broad range of litigation-based work in addition to Managing Partner responsibilities, with wide experience of court work in personal injury and clinical negligence, contentious trusts and planning and construction matters.

Joining Bailhache Labesse (now Appleby Global) in 1997, he was appointed as a Partner of the firm in 2001, becoming Managing Partner of the Appleby Global Jersey Office in 2010, before establishing his own firm, David Benest Law, in April 2013.

Advocate Benest is currently Chairman of the Jersey Criminal Injuries Compensation Board (CICB) and sits on the Board of Examiners for the local professional examinations.

In October 2015, Advocate Benest was appointed to the Senior Lawyers Panel of La Chambre de Discipline of the Guernsey Bar.

**Ms. Wendy Lambert** is a Jersey qualified Solicitor with over 25 years of experience in providing legal advice to Jersey businesses and individuals. Ms. Lambert has provided advice and training to clients in many areas of law, including employment law, business set-up and acquisitions, commercial and residential property, private client, corporate, insolvency and bankruptcy.

Ms. Lambert is Chairman of Jersey Business Limited, a government-funded company supporting and advising businesses in all sections of industry in the Island.

She was Chairman of the Employment Forum for a number of years, actively involved in the development of employment legislation in the Island, and a member of the Law Society Working Committee advising on the Control of Housing and Work (Jersey) Law 2012.

Ms. Lambert recently joined Altair Partners Limited as a consultant, to provide directorship services to Jersey companies in all sectors of industry.

**Advocate (Bryan) Ian Le Marquand** qualified as an Advocate in March 1977, becoming a Partner of Le Marquand & Backhurst, and remaining with the firm until 1988.

Advocate Le Marquand was a relief Magistrate from 1987 to 1990 and also acted as a consultant to Olsen, Backhurst and Dorey during that time.

Advocate Le Marquand was appointed Judicial Greffier in 1990, Master of the Royal Court in 1997 and Magistrate in 1999. From December 2008 to November 2014, he was elected as a Senator of the States of Jersey, and was appointed to the role of Minister for Home Affairs.

With almost 25 years of experience of the public sector in different roles, he is a very experienced judge and expert on Court procedures.

### **Panel Members of the Social Security Tribunal**

**Mr. Alan Hall** was Head of Internal Audit at the Jersey Electricity Company (JEC) when he retired in 2007. His career at the JEC began in 1967 as an Accounts Clerk, and he also worked in IT, Payroll and Accounts before moving to the Audit section in 1980.

During this time, Mr. Hall also took on voluntary roles as a Trustee for the JEC Pension Fund, and on his retirement he was appointed as a Committee member for the Jersey Electricity Pensioners' Association, a position which he still currently holds.

Mr. Hall became a Panel member for the Employment Tribunal in 2005, this tenure expiring after 10 years in June 2015. As such, he has significant experience as a Tribunal member.

**Mr. Samuel (Sam) Le Breton** was Head of the Police Support Unit when he retired from the States of Jersey Police in 1997, with responsibility for contingency planning, press and public relations, and police complaints and discipline.

Mr. Le Breton's career with the States of Jersey Police began in 1964, and included time in areas such as Criminal Investigation and Training.

After retirement from the States of Jersey Police, Mr. Le Breton took on the role of a Director of the Jersey Mutual Insurance Society and is currently the Society's Junior Vice-President.

He has also been a member of the Jersey Employment Tribunal for the last 5 years, giving him significant experience as a Tribunal member.

**Mr. John Moulin** was Chief Ambulance Officer for 17 years, retiring in 2009 after a total of 29 years' service, which began as an Ambulance Technician. As the Chief Ambulance Officer, Mr. Moulin undertook modernisation of the service, including a new employee/employer agreement matching the needs of the organisation to the professional expectations of the staff. This included many areas of joint working with other services and organisations, both public sector and voluntary.

In addition to his ambulance duties, Mr. Moulin was President of the Jersey Civil Service Association, a voluntary post, for 6 years. During that time, he dealt with individuals experiencing health- and/or work-related difficulties. Covering all departments of the States created an understanding of the different policies and procedures of individual departments and their working practices, which in turn was vital in representing staff at all levels. Fairness, impartiality, objectivity and discretion were key features of the role.

### **Financial and manpower implications**

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

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### **Re-issue Note**

This Project is re-issued to correct an administrative error at the Social Security Department, which erroneously referred to Ms. Wendy Lambert as an Advocate, when in fact she is a Solicitor.