

# STATES OF JERSEY



## INCOME SUPPORT MEDICAL APPEAL TRIBUNAL: RE-APPOINTMENT OF MEMBERS

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Lodged au Greffe on 16th May 2017  
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 re-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 persons as members of the Income Support Medical Appeal Tribunal, for a 4 year period –

Mr. Sam Le Breton	Panel Member	4 years
Mr. John Moulin	Panel Member	4 years
Dr. Mike Richardson	Medical Practitioner	4 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 for 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 to 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 recommends the reappointment of 3 Panel members.

### **2. Tribunals**

The Minister is responsible for the constitution of 3 different Tribunal Panels – the Social Security Medical Appeal Tribunal, the Social Security Tribunal, 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, and that members are eligible for a term of re-appointment.

The Minister therefore recommends the re-appointment of –

- Dr. Mike Richardson
- Mr. Sam Le Breton
- Mr. John Moulin.

Each re-appointment is for a further term of 4 years to comply with the Appointments Commission's guidance to provide for a maximum of 9 years served.

The Minister is confident in recommending that all 3 individuals proposed have the skills necessary to uphold the fairness and integrity of the tribunal system, and should be re-appointed.

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

##### **Medical Practitioner to the Income Support Medical Appeal Tribunal:**

**Dr. Mike Richardson** qualified in Medicine in Edinburgh in 1982 and was appointed Consultant Physician in 1991, then moved to Jersey as Consultant Physician in 1993.

Dr. Richardson covers all areas of internal medicine but has a special interest in rheumatology, osteoporosis and the care of older people.

Dr. Richardson has been a member of the Advisory Committee to the Minister for Social Security and a member of the Social Security Medical Appeal Tribunal since 2012.

##### **Panel Members for the Income Support Medical Appeal Tribunal:**

**Mr. Sam Le Breton** was Head of the Police Support Unit when he retired from the Police Service in 1997, with responsibility for contingency planning, press and public relations and the investigation of 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 Police Force, he took on the role of a Director of the Jersey Mutual Insurance Society and is currently the Society's Vice-President, having served 12 years with the Society inclusive of 2 terms as President.

Mr. Le Breton has also been a member of the Employment Tribunal for the full 10 years permitted under the Law, 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 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.

In addition to his ambulance duties, he 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.

Mr. Moulin has also served on the Social Security Tribunal.

**5. 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).

**6. Financial and manpower implications**

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