

STATES OF JERSEY



SOCIAL SECURITY MEDICAL APPEAL TRIBUNAL: APPOINTMENT OF CHAIR

Lodged au Greffe on 2nd November 2020
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 34 of the Social Security (Jersey) Law 1974, further to a process overseen by the Jersey Appointments Commission, the following person as Chair of the Social Security Medical Appeal Tribunal for the period stated against their name –

Advocate Simon Thomas – 5 years

MINISTER FOR SOCIAL SECURITY

REPORT

Article 6 of the [Social Security \(Determination of Disablement Questions\) \(Jersey\) Order 1974](#) requires the Minister to constitute the Social Security Medical Appeals Tribunal (“SSMAT”).

The SSMAT hears appeals regarding the award of Long-Term Incapacity Allowance (“LTIA”) following assessments regarding loss of faculty made by a Medical Board. The Tribunal will review all facts placed before it and may confirm, reverse or vary the decision made by the Medical Board.

Changes to the Social Security (Determination of Disablement Questions) (Jersey) Order 1974 came into effect on 6 March 2015 setting out the requirement for the Tribunal to consist of a Chair, (or a Deputy Chair) holding a qualification in law, and two Medical Practitioners (selected from a panel of up to 8 members).

This report discusses the appointment of the legal Chair.

The Minister is responsible for the constitution of three different Appeal panels, the Social Security Medical Appeal Tribunal, 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 support the further development of a Tribunals Service.

The Social Security (Determination of Disablement) (Jersey) Order 1974 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, subject to States approval, it is proposed to appoint Advocate Simon Thomas as Chair to the SSMAT 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.