

**THE APPOINTMENTS COMMISSION**

Appointment of

1 Member of Employees panel

for the

Social Security Appeal Tribunal

**Information Pack**

# **May 2024**

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**N.B.** This information pack covers the roles of all the members of the Social Security Appeal Tribunal. This is deliberate even if the current recruitment is not for the whole Tribunal. This will allow all candidates to better understand the role of the Tribunal and of the other members.



**1*.* The Social Security Appeal Tribunal**

**The Social Security Appeal Tribunal**

Vacancies for:

1 Member for Employees panel

Term of office: 5 years

**What does the Social Security Appeal Tribunal (“the Tribunal”) do?**

The Social Security Appeal Tribunal considers appeals against decisions made by adjudication officers appointed by the Treasury relating to entitlement to social security benefits and certain private pension matters. The Tribunal also considers appeals against decisions made by contributions decision-makers appointed by the Treasury relating to National Insurance Contributions.

Most appeals are heard in public, although the appeals may be considered on the papers only, without the parties attending, subject to their consent. The decision of the Tribunal is not necessarily final; Appeals against the Tribunal’s decision can be made to the Social Security Commissioner/Deputy Commissioner (High Bailiff/Deputy High Bailiff) and then to the High Court if applicable but only on certain grounds and with leave to do so.

**What is the constitution of the Tribunal?**

The Social Security Appeal Tribunal is constituted under Chapter 1 of Part 1 of the Social Security Act 1998 (of Parliament) (as applied to the Isle of Man by the Social Security Act 1998 (Application) Order 2000) (SD92/00) and in accordance with the Tribunals Act 2006:

***Panel of chairmen of tribunals.***

 *A panel of chairmen of appeal tribunals shall be appointed in accordance with the Tribunals Act 2006.*

***Panels of other members of tribunals.***

 *(1) A panel of persons shall be appointed in accordance with the Tribunals Act 2006 to act as members (otherwise than as chairman) of appeal tribunals.*

 *(2) The panel shall include -*

*(a) persons who appear to the Appointments Commission to represent employed earners;*

*(b) persons who appear to it to represent employers and earners other than employed earners;*

*(c) medical practitioners;*

*(d) persons, other than medical practitioners, who are experienced in dealing with the needs of disabled persons -*

*(i) in a professional or voluntary capacity; or*

*(ii) because they are themselves disabled; and*

*(e) such other persons as the Appointments Commission thinks fit.*

 *(3) Before appointing members of the panel, the Appointments Commission shall take into consideration any recommendations from such organisations or persons as it considers appropriate.*

The constitution of the Tribunal will differ according to which type of benefit the appeal hearing relates to. However, the Tribunal will always include a Chair, who is selected from a panel of appointed Chairs.

**Who provides administrative support for the Tribunal?**

The Tribunal is administered by the Tribunals’ Centralised Administration in the General Registry.

**Term of Office**

The term of office will be for a period of 5 years from date of appointment unless the successful candidate resigns or is removed from office.

**2. Role Profiles and Person Specification**

**Role Profiles**

**Chair:** As the Chair, you will be required to undertake the full range of Chair functions in relation to all cases coming before the Tribunal.

It is important to recognise that appeals before the Tribunal, and the responses thereto, can be both legally and factually complex in nature. Using your comprehensive knowledge and experience of relevant law and the procedural rules applicable to the Tribunal, you will be involved in matters ranging from the determination of any initial or subsequent case management issues/applications, which may need to be considered at a case management hearing or pre-hearing review, through to chairing substantive hearings. Part of this will involve you receiving regular communications from the Tribunals’ Centralised Administration, either by email or telephone, for you to consider and to advise how you wish to progress – it is important that you have both the time, availability and the commitment to ensure these matters are dealt with promptly.

You will sit as part of a panel with between two and five members, depending on the type of appeal being considered, to whom you will provide appropriate guidance. You will also have responsibility for the timely drafting of any Tribunal Decisions, and for any matters arising including consideration of applications for leave to appeal to the Social Security Commissioner.

Keeping abreast of legal developments in relation to the relevant law is important and will require a significant amount of reading, at one’s own time and cost, not directly connected with cases with which you are involved.

You will be required to advise the Appointments Commission of poor performance of any members of the Tribunal.

Medically Qualified Members: Applicants must be registered medical practitioners.

**Members of Employee’s Panel:** Applicants must be able to demonstrate to the Appointments Commission that they represent employed earners.

**Members of Employer’s and Self-Employed Earners Panel:** Applicants must be able to demonstrate to the Appointments Commission that they represent employers and self-employed earners.

**Disability Experienced Lay Members:** Members of the panel appointed under (2) (d) known as Lay Members. Applicants do not need any formal qualifications; however applicants should be experienced in dealing with the needs of disabled persons in a professional or voluntary capacity or because they are themselves disabled.

**Time Commitment:**

During the last 3 calendar years (2021-2023 inc.) the Tribunal convened on 56 occasions. During 2024 to date the Tribunal has convened on 6 occasions.

FDependent on Case numbers, the Tribunal may either convene to hear a single case (typically dealt with within half a day) or on occasions multiple cases may be listed for hearing throughout the day. Some matters may be dealt with on the papers only without the attendance of the parties. Members will be drawn from the relevant panel as required, depending on availability.

The Chair and Panel Members will be provided with a full copy of the papers received from the parties in advance of the hearing, and you must be able to commit the necessary time to carefully consider and gain an understanding of these before the hearing. It is important to recognise that appeals before the Tribunal, and the responses thereto, can be both legally and factually complex.

On the day of the hearing the legally qualified Chair and Panel Members will hear the case, which may include consideration of witness evidence and cross-examination thereon, documentary evidence and submissions that either party may wish to make. A party may represent themselves or be represented by any other person including legally qualified representation. During the hearing you will ask appropriate questions as necessary, and you will participate in the post-hearing discussion with your Tribunal colleagues to enable the Tribunal to reach its decision on the matter in the light of the Tribunal’s findings of fact and the applicable law.

Decisions are usually made and issued at the conclusion of the hearing, but on occasion, members will be provided with a written draft of the Tribunal’s decision prepared by the Chair, and it is important that Members can commit the necessary time to carefully consider this, and provide any feedback, without delay. On some limited occasions it may be necessary for the Tribunal to meet again to agree the decision.

Even when matters have been listed for hearing and members have received case papers to allow for prior reading, it is possible that matters will be resolved prior to the hearing taking place.

**Data Protection and Information Security**

The Tribunal Chair and Members may have access to sensitive and personal information and are responsible for its safekeeping. Chairs and Members should be aware of the need to employ appropriate measures to safeguard such information.

Chairs and Members will be required to uphold the requirements of the Data Protection legislation but should additionally be aware that they are likely to be in possession of sensitive personal data, disclosure or use of which for purposes not connected with the proper business of the body, is absolutely prohibited. Breach of this requirement will be regarded as a breach of the fundamental principles underpinning public service and may result in the withdrawal of the appointment warrant. This obligation survives the termination of the member’s term of office.

**Criminal Offences**

You are required to declare on the application form any criminal convictions which are not considered spent.

Further details can be viewed at:

[https://www.gov.im/categories/working-in-the-isle-of-man/rehabilitation-of-offenders](https://www.gov.im/categories/working-in-the-isle-of-man/rehabilitation-of-offenders/)

or phone the Isle of Man Vetting Bureau on (01624) 631409.

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| **Appointments Commission – Social Security Appeal Tribunal****Person Specification – Legally Qualified Chair**  |

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| **Criteria for selection** | **Essential** **or** **Desirable** |
| * Applicants must be an advocate, barrister or solicitor of not less than 7 years standing
* Experience of drafting orders, decisions and reports
* Comprehensive knowledge of Social Security legislation and the procedural rules applicable to the Tribunal
* Sound judgement and decision making
* Effective communication skills
* Ability to successfully Chair Tribunal hearings and to effectively work with, and provide guidance to, members of the Tribunal
* Authority and case management skills
* A commitment to ‘The 7 Principles of Public Life’
* Computer literate with computer access (email, word processing and video conferencing)
* Able to commit time to reading case papers and decisions, and to attend at hearings
* Satisfactory references
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| **Appointments Commission – Social Security Appeal Tribunal****Person Specification – Members of Employees’ and Employers’/Self-Employed Earners Panels** |

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| **Criteria for Selection** | **Essential** **or** **Desirable** |
| * No formal qualifications required
* Sound and independent judgement
* A recognition of the requirement to act at all times in a manner which maintains public confidence in the tribunal
* Ability to work constructively with others
* An understanding of the judicial nature of the Tribunal
* Effective communication and interpersonal skills
* Able to analyse and review complex issues and weigh up conflicting opinions
* A commitment to ‘The 7 Principles of Public Life’
* Computer literate with computer access (email, word processing and video conferencing)
* Able to commit time to reading case papers and decisions, and to attend at hearings
* Satisfactory references
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| **Appointments Commission – Social Security Appeal Tribunal****Person Specification – Disability Experienced Lay Members** |

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| **Criteria for Selection** | **Essential** **or** **Desirable** |
| * No formal qualifications required
* Experience in dealing with the needs of disabled persons
* Sound and independent judgement
* A recognition of the requirement to act at all times in a manner which maintains public confidence in the tribunal
* Ability to work constructively with others
* An understanding of the judicial nature of the Tribunal
* Effective communication and interpersonal skills
* Able to analyse and review complex issues and weigh up conflicting opinions
* A commitment to ‘The 7 Principles of Public Life’
* Computer literate with computer access (email and word processing)
* Able to commit time to reading case papers and decisions, and to attend at hearings
* Satisfactory references
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| **Appointments Commission – Social Security Appeal Tribunal****Person Specification – Medically Qualified Members**  |

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| **Criteria for Selection** | **Essential** **or** **Desirable** |
| * Applicants must be registered medical practitioners
* Experience in dealing with the needs of disabled persons
* Sound and independent judgement
* A recognition of the requirement to act at all times in a manner which maintains public confidence in the tribunal
* Ability to work constructively with others
* An understanding of the judicial nature of the Tribunal
* Effective communication and interpersonal skills
* Able to analyse and review complex issues and weigh up conflicting opinions
* A commitment to ‘The 7 Principles of Public Life’
* Computer literate with computer access (email and word processing)
* Able to commit time to reading case papers and decisions, and to attend at hearings
* Satisfactory references
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**3. Overview on the Procedure and Function of Tribunals and the Responsibilities of the Chair and Members**

**Overview of IOM Tribunals**

(There may be some variations between Tribunals according to the regulations which govern each one)

* A tribunal is part of the administrative justice system and a rung on the ladder of the courts system
* Tribunal judgments may carry a right to a warrant of execution and may be published
* A Tribunal is run in the same way as a court – although it tries to be less formal
* The Tribunal room is set up the same way as a court with the clerk/secretary acting as ‘court usher’
* The proceedings are recorded and the recordings may be used in evidence
* Tribunals are independent of Government and provide protection of certain rights established by the Human Rights Act 2001

**The Legally Qualified Chair**

Tribunal Chairs are the legally qualified people who, together with the assistance of other members, make the Tribunal decisions.

The Chair, exercising discretion judicially, and in accordance with the relevant legislation:

* May make directions in advance of an appeal hearing in respect of witnesses, statements of case and supporting documentary evidence
* May consider applications for adjournments
* May summon witnesses
* Has the power to swear in the people giving evidence

**Members**

Members provide balance and add to the informal nature of a Tribunal. Members are not usually required to have specific qualifications but they are chosen for their experience and ability to weigh objectively all matters before them and to judge soundly and free from bias.

**Directions**

Prior to the Appeal Hearing, the Chair may issue Directions to both parties. This will cover (for example) the submission of the Statement of Case, supporting evidence, lists of witnesses to be summoned and the dates by which this information is to be submitted.

**The Hearing: Overview of the Responsibilities of the Chair**

**Prior to the Hearing:**

* whether a preliminary point as to the jurisdiction of the Tribunal to hear the matter exists and, if so, how such should be dealt with;
* the manner in which the proceedings are to be conducted;
* the provision of further information by a party;
* the discovery and inspection of documents and the relevance of such documents to the proceedings;
* extension of time-limits;
* stay of proceedings;
* postponing or adjourning any hearing;
* summon witnesses;
* the joining of further parties to the proceedings;
* the use of agreed bundles and written witness statements;
* the submission of case authorities from the Higher Courts;
* the use of interpreters in the proceedings; and
* the timetable for the substantive hearing.

**During the Hearing:**

The Chair’s functions at the hearing are to preside over the proceedings to ensure that all parties receive a fair hearing; to advise the members on the relevant law and its application to the facts of the case and to produce the written decision, including reasons, of the Tribunal.

The Chair must be able to direct the hearing and sequence of events. For example:

* which order the parties may give evidence;
* the cross examinations;
* whether late evidence may be submitted;
* the accepted style of questioning;
* who may be present during the hearing;
* when a witness can be released;
* if adjourning during an appeal, provision must be made for any witness still on the stand.

One or both parties may have representation, often a lawyer; the Chair must be able to follow the legal arguments presented and guide the members. On some Tribunals, in certain circumstances, the Chair can sit alone.

**Written Decisions/Judgments:**

Written Decisions may be made public (sometimes in a redacted version), published online.

**Sections include** (but are not limited to):

* Details of legal representation for each party
* The Claim (summary of Appellants’ grounds of appeal and Respondent’s case)
* Documentary and verbal evidence produced
* The law\*
* The Decision\*

\*The determination of facts based on the balance of probability, and the application of relevant law, in the light of these facts to reach a decision.

Appeals from Tribunal decisions are via the courts system. A decision can only be challenged on points of law.

**4**. **Conflicts of Interest Guidance Note**

**CONFLICTS OF INTEREST**

**A GUIDE FOR APPLICANTS FOR MEMBERSHIP OF TRIBUNALS/BODIES**

**The Seven Principles Underpinning Public Life**

Holders of Public Office should at all times exercise the highest standards of behaviour in line with the seven principles of public life. The principles of public life are as follows**:**

**Selflessness:**

Holders of Public Office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or other friends.

**Integrity:**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

**Objectivity:**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability:**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness:**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands or statute requires.

**Honesty:**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership:**

Holders of public office should promote and support these principles by leadership and example.

All candidates who put themselves forward for public appointment must be able to demonstrate their commitment to the principles and values of public service.

**What is a conflict of interest?**

Public Appointments require the highest standards of propriety, involving impartiality, integrity and objectivity, in relation to the stewardship of public funds and the oversight and management of all related activities. This means that any private, voluntary, charitable or political interest which might be material and relevant to the work of the body concerned should be declared.

There is always the possibility for real or perceived conflicts of interest to arise. Both are a problem, as the perceived inference of a conflict may, on occasions, be as damaging as the existence of a real conflict.

The test which should be applied in relation to a potential case of perceived bias is:

*“whether the ascertained relevant circumstances would lead a fair-minded and informed observer to conclude that there is a real possibility that the decision-maker was biased.”*

*Judgment delivered by His Honour Deemster Kerruish on 12 February 2007.*

**Surely a perceived conflict is not a problem, as long as I act impartially at all times?**

The integrity of the individual is not in question here. However, it is necessary for the standing of the individual and the Tribunal that members of the public have confidence in their independence and impartiality. Even a perceived conflict of interest on the part of a member can be extremely damaging to the Tribunal’s reputation and it is therefore essential that these are declared and explored in the same way as an actual conflict would be. The fact that a member acted impartially may be no defence against accusations of potential bias.

**What should I do if I think I have a conflict of interest?**

The Tribunals Act 2006 covers situations where a conflict of interest or duty occurs.

(a)      Section 6(1) provides that if a Tribunal member becomes aware of a conflict he should declare that a conflict exists and should withdraw from taking any further part in the proceedings of the Tribunal.

(b) Section 6(2) provides that if a member has made such a declaration, he may nonetheless continue to take part in the proceedings of the Tribunal if both parties consent thereto.

(c)      Section 7(1) provides that a party to a Tribunal may object to a member of a Tribunal on the ground that there is a material conflict of interest or duty.

**5. Remuneration for Members of the Tribunal**

The Members are remunerated in accordance with the provisions of the Payment of Members Expenses Act 1989.

The Attendance Allowances Order 2008 specifies a rate of £89.50 per hour for the legally qualified Chair (with a minimum of £156.00 per meeting) and £78.00 for other Members per morning or afternoon session. The remuneration for medically qualified Members is currently£156.00 per session. These expenses must be declared for income tax purposes, but are not taxable.

‘Session’ means any of the following periods:

1. 9.00 a.m. to 1.30 p.m.;
2. 2.00 p.m. to 6.30 p.m.;
3. 6.00 p.m. to 12 midnight.

An additional payment shall be made to the legally qualified Chair in respect of the time taken in preparing for a meeting or hearing and report writing in relation to a meeting or hearing at the rate of £89.50 per hour. These payments are taxable.

The following travel allowance is also paid, in accordance with the “Payment of Members’ Expenses (Travelling Allowances) Order 2022” –

Motor Vehicle 57p per mile

Motorcycle 30p per mile

**6. The Appointments Commission**

The Appointments Commission has been established by the Council of Ministers under the auspices of the Tribunals Act 2006 as an independent body. Its principal function is to make appointments to various Appeal Tribunals and other bodies covered by the statutory provisions.

**7. Recruitment Policy**

**Recruitment Policy Statement**

It is the Appointment Commission’s policy to promote equal opportunities. Procedures in relation to recruitments form part of this commitment. The Commission seeks to select the most suitable person for the post. The selection process is undertaken without discrimination and regardless of race, gender, age or any other personal circumstances.

**Appointments Commission Recruitment Procedure**

The Appointments Commission will prepare a shortlist of suitable candidates using the information provided on the application form for the relevant post. It is important that your answers on this form demonstrate how you meet the requirements of the post applied for. Interviews will be conducted in accordance with the policy of the Commission, but please be aware that the Commission may appoint to a Tribunal without interviews if it is satisfied by the written application and references in appropriate circumstances.

The opportunity exists for all candidates to speak to the Clerk of the Tribunal for further information about the function and procedures of the Tribunal.

Where formal qualifications are a requirement of appointment the Commission will require original certificates to be produced. Applicants may be required to provide verification of identity and address in a form and manner acceptable to the Commission.

Further information and downloadable documents are available at the Appointments Commission’s website: <https://www.gov.im/about-the-government/offices/general-registry-isle-of-man-courts-and-tribunals/the-appointments-commission/>

**8. Further information**

An overview of the Tribunal can be found by following this link: <https://www.gov.im/about-the-government/offices/general-registry-isle-of-man-courts-and-tribunals/tribunals-service/>

Isle of Man Primary and secondary legislation are available at: https://www.legislation.gov.im/cms/

For persons who do not have access to the internet, copies of legislation are available from the Tynwald Library at The Ground Floor, Legislative Buildings, Finch Road, Douglas, or telephone 01624 685522.

**How do I apply?**

An application form and the information pack are available on the Appointments Commission’s website: <https://www.courts.im/court-procedures/tribunals-service/appointments-commission/>

or from Kate Hooson-Owen, Executive Assistant to the Appointments Commission. Tel: 687562

Email: appointments.commission@gov.im

**Applications should reach the Secretary no later than 17 May 2024.**

The application form you submit must set out how you meet the essential requirements of the role.

If, after reading through the information pack, you have any queries about the duties and responsibilities of the post, or the Tribunal, please contact Mr Ray Quinn, Tribunal Service Manager on Tel: 682382.