

**THE APPOINTMENTS COMMISSION**

Appointment of Chair & 1 Member for the

Criminal Injuries Compensation Panel

**Information Pack**

**July 2020**

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**1. The Criminal Injuries Compensation Panel**

**The Criminal Injuries Compensation Panel**

**Vacancy for: Chair & 1 Panel Member**

Term of office: 5 years

**The Criminal Injuries Compensation Scheme**

In 1969 Tynwald introduced a scheme under which the victims of crimes of violence in the Isle of Man could be paid compensation by the Manx Government. The compensation for an injury is an expression of the public’s sympathy with the innocent victim. The scheme was revised by Tynwald in 1983 and again in 2005.

In July 2020 Tynwald agreed further amendments to the three schemes. These changes were mainly administrative reflecting the transfer of the functions relating to criminal injuries compensation being transferred from the General Registry to the Treasury.

The decision making body for the three schemes was amended; there is now one Panel to administer all three schemes. The Panel will consist of a Chairman, being an an advocate, barrister or solicitor of at least 7 years’ standing and experienced in the conduct of personal injury litigation and two additional members each being an advocate, barrister or solicitor.

There was one rule change which related to the “same roof rule”. The circumstances in which compensation is to be withheld where the victim and the person responsible for the injuries were living in the same household as members of the same family at the time of the injuries was amended.

A review of the Criminal Injuries Compensation Schemes is underway, it is anticipated that the 3 ex-gratia schemes will be replaced with one statutory scheme.

The 1969, 1983 and 2005 schemes provide ex-gratia payments of compensation to applicants who have sustained personal injury directly attributable to:-

* A crime of violence
* The apprehension /attempted apprehension of an offender/suspected offender.

The injuries can be physical or mental including any sexually transmitted diseases.

The 3 Schemes run concurrently, with injuries sustained prior to:-

16 November 1983 being dealt with under the 1969 scheme

13 December 2005 being dealt with by under the 1983 scheme

and on or after

13 December 2005 being dealt under the 2005 Scheme.

Awards are made from monies set aside by Tynwald for such purpose.

An outline of the schemes and how they work is published at [www.gov.im/criminalinjuries](http://www.gov.im/criminalinjuries)

**What does the Criminal Injuries Compensation Panel do**?

The Criminal Injuries Compensation Panel administers the Criminal Injuries Compensation Scheme 1969, 1983 and 2005. The Panel is responsible for considering the applications for compensation and deciding what compensation, if any, should be paid. The Panel may only consider information which is submitted with the application although they may request that further information is provided to assist in their decision if necessary.

Meetings cover case-lists from the 3 Schemes.

**What is the constitution of the Criminal Injuries Compensation Panel**?

The Panel shall consist of a Chairman , being an advocate, barrister or solicitor of at least 7 years’ standing and experienced in the conduct of personal injury litigation, and two additional members being persons of legal training, appointed by the Governor, who has delegated his powers of appointment of members of this Panel to the Appointments Commission.

**Quorum**

Two members of the Panel present shall form a quorum.

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

The Tribunal is administered by the Social Security Division of The Treasury.

**Term of Appointment**

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

**Applications received in the last 5 financial years**

The following table shows a summary of the number and nature of the cases considered by the Panel.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Breakdown of incident type for applications received** | | | | | |
| **Financial Year** | **2015/16** | **2016/17** | **2017/18** | **2018/19** | **2019/20** |
| No. of Applications received | **38** | **27** | **36** | **31** | **41** |
| Physical Injury | 20 | 20 | 23 | 18 | 22 |
| * Of which: assault on Police Officer. | 2 | 5 | - |  | 0 |
| Sexual Assault/Rape | 18 | 7 | 13 | 13 | 19 |
| * Of which: against children under 18. | 15 | 7 | 2 | 10 | 9 |

**2. Role Profiles and Person Specifications**

The Chair and Member will form part of the Panel which is responsible for deciding what compensation should be paid in individual cases after consideration of the information and statements provided in advance of a meeting.

The Chair and Panel members will be provided with a copy of the papers in respect of each application to be considered in advance of the next meeting of the panel and will be expected to have read and considered the papers prior to that meeting. At present the process is paper-based but it is anticipated that in the near future papers will be distributed electronically.

The Chair will be expected to ensure that the meetings are conducted in an effective and efficient manner. As Chair, or Panel Member, the successful candidates will be expected to quickly develop a good working knowledge of the Schemes; and be able to apply the provisions of the appropriate Scheme to the circumstances of the individual cases. The Chair will guide the other Panel Members as appropriate and ensure their views and opinions are fully considered.

The Panel meets approximately once every 2 months, when the Members consider the cases listed for that meeting. The Panel will review the information and evidence submitted with the Application and obtained by the Clerk to the Panel prior to the meeting from other agencies, as appropriate, such as Police Reports, Medical Reports, Psychiatric Reports and photographs of injuries. The Panel will then decide, on the basis of the information and evidence provided in support of the Application and applying the provisions of the appropriate Scheme, whether the Applicant is entitled to an award under that Scheme and, if so, how much that award should be.

Each Applicant will be notified in writing of the decision of the Panel. An applicant who is dissatisfied with a decision may, in certain circumstances, appeal to a Deemster.

The Chair and Panel are required to submit an annual report on the operation of the Schemes and the accounts to the Council of Ministers and Tynwald.

**Time Commitment:** It is anticipated the Criminal Injuries Compensation Panel will be required to meet between six to twelve times per year, with meetings lasting approximately half a day. In addition to attending at the meetings of the Panel the successful candidates will also be required to have read and prepared the cases to be considered at that meeting. Preparation for meetings can be time consuming and it not renumerated over and above the attendance allowance for the meetings.

**Data Protection and Information Security**

All members of the Panel are required to ensure the secure handling of both manual and electronic data whilst it is under their personal control.

**Criminal Offences**

Any criminal convictions (which are not considered spent) must be declared on the application form for this post.

These posts are not considered exempt under the Rehabilitation of Offenders Act.

For further information on the Rehabilitation of Offenders Act, please phone the Police Vetting Unit on (01624) 631393.

**Person Specification**

**Post:** **Chair**

**Tribunal: Criminal Injuries Compensation Panel**

|  |
| --- |
| **Criteria for Selection** |
| **Qualifications**  Applicants must be an advocate, barrister or solicitor of not less than 7 years standing and experienced in the conduct of personal injury litigation |
| **Experience**  Experienced in leading a team considering contentious issues and assisting team members in reaching logical decisions |
| **Knowledg**e **and Skills**  Ability to lead and work effectively with other Members and the Clerk to the Panel  Ability to conduct the meetings of the Panel in an effective and efficient manner  An understanding of the sensitive nature of the work of the Panel, together with the ability to work in a professional, discreet and confidential manner  Sound judgment and decision making skills  Effective communication skills  Computer literate with computer access (email and word processing) |
| **Personal Qualities**  A commitment to ‘The 7 Principles of Public Life’  Willingness and commitment to become fully conversant with the 1969, 1983 and 2005 Schemes  Resilience and ability to deal with distressing cases, which include sexual abuse of children |
| **Circumstances**  Satisfactory references  Able to commit time to meeting preparation and reading papers and to deal expeditiously with all aspects of the work of the Panel |

**Person Specification**

**Post:** **Member**

**Tribunal: Criminal Injuries Compensation Panel**

|  |
| --- |
| **Criteria for Selection** |
| **Qualifications**  Applicants must be an advocate, barrister or solicitor |
| **Experience**  Experience of dealing with personal injury claims  Experienced in considering contentious issues and reaching logical decisions as part of a team |
| **Knowledge and Skills**  Ability to work effectively as part of the Panel  An understanding of the sensitive nature of the work of the Panel, together with the ability to work in a professional, discreet and confidential manner  Sound judgment and decision making skills  Effective communication skills  Computer literate with computer access (email and word processing) |
| **Personal Qualities**  A commitment to ‘The 7 Principles of Public Life’  Willingness and commitment to become fully conversant with the 1969, 1983 and 2005 Schemes  Resilience and ability to deal with distressing cases, which include sexual abuse of children |
| **Circumstances**  Satisfactory references  Able to commit time to meeting preparation and reading papers and to deal expeditiously with all aspects of the work of the Panel |

**3. Conflicts of Interest - Guidance Note**

**CONFLICTS OF INTEREST**

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

**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 Panel 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 Panel’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 and those principles will be applicable to the Criminal Injuries Compensation Panel.

(a) Section 6(1) provides that if a Tribunal member becomes aware of a conflict he should

declare that a conflict exists and 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) of the Act 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.

**4. Remuneration of Members of the Panel**

Criminal Injuries Compensation Panel members will be remunerated in accordance with the Payment of Members Expenses Act 1989. The Attendance Allowances Order 2008 specifies a rate of £156.00 per session for the members. These payments must be declared for income tax purposes, but are not taxable.

A travel allowance is also paid, in accordance with the “Payment of Members Expenses (Travelling Allowances) (No 2) Order 2013”, as follows:

Motor Vehicle 46p per mile

Motorcycle 26p per mile

‘Session’ means any of the following periods:

i) 9.00 a.m. to 1.30 p.m;

ii) 2.00 p.m to 6.30 p.m;

iii) 6.00 p.m. to 12 midnight

**5. The Appointments Commission**

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

**6. 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 disability, gender, ethnic background or religious beliefs.

**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.

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.

**7. Further Information**

The Isle of Man Criminal Injuries Compensation Schemes can be viewed at [www.gov.im/criminalinjuries](http://www.gov.im/criminalinjuries)

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 by telephone 01624 685522.

**How do I apply?**

The information pack and application form for the vacancy is available online at the Appointments Commission <https://www.courts.im/court-procedures/tribunals-service/appointments-commission/> or from Kate Hooson-Owen, Secretary to the Appointments Commission - Tel: 687562 or email: [appointments.commission@gov.im](mailto:appointments.commission@gov.im)

**Applications should reach the Secretary no later than 5pm on 14 August 2020**

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