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**Information Pack:**

00454: First-tier Tribunal: Health, Education and Social Care Chamber (Mental Health). Salaried Tribunal Member (Specialist Medical).

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## INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for the post of Salaried Tribunal Member (Specialist Medical) of the First-tier Tribunal: Health, Education and Social Care Chamber (Mental Health). The closing date for applications is noon on 10 December 2009. The JAC has been asked to select one Consultant Psychiatrist to fill this vacancy. The successful candidate can choose to be based in London or Manchester but will be required to travel regularly to London and other Tribunal venues where hearings will be taking place. Hearings are normally held in private and take place in the relevant hospital or community base.

A Salaried Medical Member (Specialist Medical) will have both judicial and administrative duties, principally in the Mental Health jurisdiction, although at some point in the future there may be limited opportunities to sit in other appropriate jurisdictions within the Chamber. The salaried medical member will be expected to sit regularly, up to three or four days a week, and will need to examine the patient in advance of the hearing in order to form a preliminary view as to the patient's mental condition and, in particular (and without forming a final opinion) whether the statutory criteria are established. As this is a salaried judicial role the successful candidate will no longer have responsibility to provide, supervise or monitor treatment, rather, the medical member will need to demonstrate that they have grasped the essential difference between clinical and judicial duties in addition to keeping their knowledge and skills up-to-date. The medical member will be part of a three member panel assessing applications under the Mental Health Act 1983. In every case, the legislation provides a legal framework for decision-making, and the post holder, just like the other members of the panel, will be expected to apply the law to the clinical facts as found, in a judicial way.

The post holder would also be expected to assist in developing relevant training, appraisal and mentoring schemes for fee paid medical members, including an enhanced appraisal scheme, and in providing appropriate judicial leadership and management to ensure that fee paid medical members are utilised efficiently and cost-effectively. They would be expected to make themselves available, when not in a hearing, to provide support, advice and guidance to medical member colleagues.

Training will be available. The nature and degree of training will depend upon the successful candidate's level of judicial experience, if any. Training is likely to involve an intensive induction to the applicable legal framework, the jurisdiction's administrative systems and requirements, and judgecraft, as well as observation of panels. The post holder will then have a responsibility to complete two days training each year.

This pack contains the information that you need about the appointment. It includes eligibility criteria and the job description. It also describes the selection process that the JAC will follow, with relevant dates and advice on how to prepare for the various stages of this process.

Before you can be considered for appointment, there are eligibility requirements that you must meet. The JAC is also required to assess your character. Before applying you should read these requirements and the guidelines that the JAC uses to assess character. These can be found on our website ([www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk)) along with outline terms and conditions of service and terms of appointment for this post. You will also need to demonstrate the qualities and abilities required for this office.

The independent JAC selects candidates for judicial office. It does so on merit, through fair and open competition, from the widest range of eligible candidates.

## ARE YOU ELIGIBLE?

Members of the First-tier Tribunal, who are not judges, are appointed by the Lord Chancellor under paragraph 2(1) of Schedule 2 of the Tribunals, Courts and Enforcement Act 2007. Under paragraph 2(2) of that Schedule, the qualifications for appointment are prescribed in Statutory Instrument 2008/2692.

To be eligible for appointment as a Salaried Tribunal Member (Specialist Medical) you must meet the following requirements:

### **Statutory requirement**

You must be a registered medical practitioner.

For information, the General Medical Council (GMC) is introducing the licence to practise in the latter stages of 2009. Tribunal Doctors need to be registered only but need to keep themselves up-to-date and demonstrate that they have done so.

### **Non-statutory requirement**

You must be either a Member or a Fellow of the Royal College of Psychiatrists and have held either a full-time or part-time appointment as a consultant psychiatrist for at least three years, at least one of which should normally be within the last five years. You should also normally be a participant in the Royal College of Psychiatrists' continuing professional development programme.

### **Previous service in a judicial office**

The Lord Chancellor expects that, before being considered for salaried appointment, individuals must normally have served as a fee paid judicial office holder for at least two years or to have completed 30 sitting days since appointment in a fee paid capacity.

### **Age**

There is no upper or lower age limit for candidates apart from the statutory retirement age of 70. The age at which someone is appointed to the position of Salaried Tribunal Member (Specialist Medical) must allow for a reasonable length of service before retirement, usually about three years.

## **Nationality**

You must complete a declaration of your nationality in the Application Form. In order to qualify for this post, you must be a citizen of:

- the United Kingdom; or
- another Commonwealth country; or
- the Republic of Ireland.

## **Character**

The JAC is required by statute to appoint only persons of good character. In order to make these assessments we have developed Good Character Guidance which you can find on our website at [www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk). You can also write to us to request a copy (see the 'Contacts and Further Information' section of this Information Pack for our contact details).

The Good Character Guidance gives you some indication as to whether anything in your past conduct or present circumstances might affect your application for judicial appointment. You should read it carefully before completing the Application Form.

### Good character questions and declarations

You are required to answer a number of questions related to good character in the Application Form and must make appropriate declarations as requested.

Candidates for judicial appointments are not protected by sections 4(2) and 4(3) of the Rehabilitation of Offenders Act 1974. Any convictions which would normally be regarded as having expired under that Act should therefore be declared in writing (Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975). You must provide details of all offences for which you have been convicted or cautioned. Details should include the nature of each offence, date of conviction or caution and the penalty imposed.

Where proceedings of any kind are pending, you should give details of the offence with which you have been charged or the disciplinary process you are subject to and, if known, the date when the case or action may be heard. It is important that you inform us of the outcome of any case or action concluded while your application is under consideration. Similarly, if you are charged with any offence or any action is brought against you after submitting your application you should inform us immediately (see the 'Contacts and Further Information' section of this Information Pack).

In all cases, please provide as much detail as you can and indicate if there are any mitigating factors that you think the JAC should take into account in assessing your good character.

### Good character checks

The JAC will also carry out checks on all candidates whom it intends to recommend for appointment. Further information about these checks will be provided separately to relevant candidates.

Failure to have declared any matters that come to light from these checks may prejudice the outcome of your application.

## **Disqualification**

You should note that the House of Commons Disqualification Act 1975 applies to this office.

# REASONABLE ADJUSTMENTS

The JAC is committed to considering any reasonable adjustments needed to ensure that you can participate in the selection process fairly. The Application Form asks you to identify any arrangements and adjustments you may require. Requests will be considered on a case-by-case basis and the information given will not be used in selection decisions.

If you are recommended for appointment, reasonable adjustments will be considered if you have a disability under the meaning of the Disability Discrimination Act, as they are for serving judges. Any reasonable adjustments to enable you to take up appointment will be discussed separately with you by the Health, Education and Social Care Chamber of the First-tier Tribunal after the JAC has made its recommendation.

## JOB DESCRIPTION

The Ministry of Justice has provided the following information.

### **SALARIED TRIBUNAL MEMBER (SPECIALIST MEDICAL) – CONSULTANT PSYCHIATRIST**

#### **Purpose of office**

The purpose of judicial office is to administer justice according to law, without fear or favour, affection or ill-will.

#### **Jurisdiction**

The Health, Education and Social Care Chamber (HESC) of the First-tier Tribunal holds the jurisdictions of Mental Health, Care Standards, and Special Educational Needs and Disability. The Family Health Service Appeal Authority (FHSAA) is due to transfer in to the Chamber in January 2010. A Salaried Tribunal Member (Specialist Medical) will have both judicial and administrative duties, principally in the Mental Health Jurisdiction.

#### **Mental Health Tribunal**

First-tier Tribunals (Mental Health) are independent judicial bodies responsible for deciding the necessity for the compulsory detention of mentally disordered patients in hospital or the continuation of guardianship or aftercare under supervision. Their powers and duties are set out in the Mental Health Act 1983, as amended by the Mental Health Act 2007. Their procedures are defined in the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008.

All patients detained under the provisions of the Mental Health Act 1983 or subject to guardianship or aftercare under supervision have the right to seek a review of their case by applying to the Tribunal. Furthermore, if a patient has not made an application by the end of a period specified in the Act, the Home Secretary or the hospital managers are obliged to refer the case to the Tribunal, thus ensuring that all cases are subject to regular review.

The criteria which the Tribunal must apply when considering whether to discharge a patient are laid down in the Act. The Tribunal may also order a patient's discharge on a future date or recommend that he or she be given leave of absence, be transferred to another hospital, or be transferred into guardianship or subject to a community treatment order. The Tribunal has the discretion to discharge unrestricted patients on any grounds, but this discretion is rarely used in practice. The Tribunal has different powers and procedures in respect of restricted patients (ie:

those who have been convicted of criminal offences and on whom the Crown Court has imposed restrictions on discharge). Unless the Tribunal considers that it is in the interests of justice for the hearing to be held in public, hearings are held in private, though a member of the Administrative Justice and Tribunals Council is entitled to be present as an observer.

In addition to the Chamber President, there are two Deputy Chamber Presidents, a Principal Salaried Judge and a number of Salaried Tribunal Judges, whose work is divided between the North and South of England. In addition, there are fee paid Tribunal Judges, Tribunal Members (Specialist Medical) and Tribunal Members (General), all appointed by the Lord Chancellor on a fee paid (part-time) basis. At any hearing, the Tribunal will be composed of at least three members, including one from each of the three categories. The Tribunal Judge always presides over the hearing. In cases concerning restricted patients, the Tribunal Judge must have been designated to hear such cases and is invariably a Circuit Judge or a Recorder with experience in criminal work.

### **Care Standards**

The HESC jurisdiction considers appeals against a decision to restrict or bar an individual from working with children or vulnerable adults and decisions to cancel, vary or refuse registration of certain health, childcare and social care provision. Someone can also appeal to the Chamber if they have received a decision by the Secretary of State for Education and Skills that they do not agree with to cancel the registration of an independent school.

### **Special Educational Needs and Disability**

Parents whose children have special educational needs can appeal to the HESC Chamber against decisions made by Local Education Authorities (LEAs) in England about their children's education. The Tribunal can hear and decide parents' claims of disability discrimination in education in England. This covers schools, nursery schools and nursery classes as well as some functions of the LA in providing education for children.

### **Family Health Services Appeal Authority**

Currently General Practitioners (GP's), dentists, optometrists and some pharmacists need to be on a locally managed performers' list before being able to provide NHS services within the area of a Primary Care Trust. The FHSAA hears appeals/applications resulting from decisions made by Primary Care Trusts as part of the local management of such performer's lists.

Up to the 1<sup>st</sup> April 2009 the administration of the FHSAA was provided by the National Health Service Litigation Authority (NHSLA). From the 1<sup>st</sup> April 2009 the administration of the Tribunal transferred to the Tribunals Service, an executive agency of the Ministry of Justice. The FHSAA is expected to transfer to HESC in January 2010.

### **Main Activities**

The main activities of a Salaried Tribunal Member (Specialist Medical) are:

- Sitting as a Tribunal Member (Specialist Medical), principally in the Mental Health jurisdiction.
- Development and implementation of an appraisal system for Tribunal Members (Specialist Medical) of the HESC Chamber. The role involves overseeing and, in some cases, undertaking the appraisal of the fee paid Members (Specialist Medical) with the aim of supporting them.
- Overseeing the development of training materials for all Tribunal Members (Specialist Medical) and on some occasions delivering the training.

- Working with other salaried Tribunal Members on a variety of projects related to the administration of justice in the Mental Health jurisdiction.

### **Other Responsibilities**

- To be fully conversant with the Mental Health Act 1983, as amended by the Mental Health Act 2007 and Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008.
- To be abreast of medical developments in the field of mental disorder.
- Advising the Judicial Training Group on the need for training on medical issues.
- Providing support and advice for the effective recruitment, retention and deployment of fee paid Tribunal Members (Specialist Medical).
- Carrying out such other duties as the Chamber President may require.

### **Further Information**

The terms and conditions for this post can be found on the JAC website (current selection exercises) [www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk). Related information on the jurisdiction can be found on the Tribunals website [www.tribunals.gov.uk](http://www.tribunals.gov.uk) and the FHSAA website [www.fhsaa.tribunals.gov.uk](http://www.fhsaa.tribunals.gov.uk)

## **THE SELECTION PROCESS**

### **Application form**

Details of the qualities and abilities against which you will be assessed are set out in the Application Form. Please note that the ability to work constructively with others, including leadership and managerial skills where appropriate, is particularly pertinent to this post. You can draw on your full range of work and personal experience to demonstrate these qualities and abilities including, for example, voluntary work or any publication to which you have contributed. Please be specific in giving information.

### **Timetable**

Closing date for applications	Noon on 10 December 2009
Provisional dates for selection days	22 and 23 February 2010

### **Shortlisting**

The next step in the process is a sift. A selection panel will consider the information provided in your Application Form and any references received. If you are shortlisted, you will be invited to the next stage. We are sorry that we are not able to provide written explanations to candidates who are not shortlisted.

### **References**

We may seek information from people who are well placed to comment on how you meet the qualities and abilities. Referees are usually approached before the sift takes place and will be encouraged to draw on appraisal material if it is available. The material provided by referees will usually inform decisions at sift and selection day and will be available to Commissioners at the final selection decision stage.

Please note that one of your referees must be medically qualified and must be able to attest to your professional expertise.

### Candidate nominated

You are invited to nominate up to three referees who know you well either personally or professionally. **We strongly recommend that you check with your referee that they are not conflicted in any way.**

### JAC nominated

The JAC may also request references from those identified in the section of this pack titled 'JAC nominated referees'.

Please provide the name, title, position and address of your relevant judicial and professional referees. You may also tell us if you do not wish us to approach the relevant professional referee now, but you must give reasons. If you do not currently hold a judicial office and have excluded your relevant professional referee, you must suggest an alternative referee who is familiar with your work.

### **Selection days**

If you are shortlisted you will be invited to a selection day. The selection day for this exercise will consist of a panel interview and may include a short presentation. Further details will be sent with the invitations to attend. The overall assessments made by the panel are provided to Commissioners when they make their selection decisions.

### **Statutory consultation**

As required by the Constitutional Reform Act 2005 (CRA), the Commission must consult the Lord Chief Justice and a second person, who has held the office or has other relevant experience, about those candidates it is minded to select. For this exercise the second consultee will be Lord Justice Carnwath, Senior President of Tribunals.

### **Character checks**

The JAC is required to select only persons of good character. The JAC will carry out checks on all candidates likely to be considered for selection and the results of these checks, together with information declared by candidates in the Application Form, will be assessed.

### **Selection decisions**

The Commission, sitting as a committee, will consider the information gathered about candidates, which includes the overall assessment report from the selection day panel, to select those candidates to recommend to the Lord Chancellor.

### **Report to the Lord Chancellor**

The Commission reports its final selections to the Lord Chancellor. The Lord Chancellor can accept or reject this recommendation, or ask the Commission to reconsider it. The Lord Chancellor may not select an alternative candidate.

### **Conflict of interest**

The Judicial Appointments Commissioners are listed at the back of this pack. You should not nominate a Commissioner as a referee. You should also state in the Application Form if you are in any way related to, or known to, any of the Commissioners and give details.

### **Outcome of the selection exercise**

You will be advised of the outcome of your application in writing.

If you are unsuccessful at the selection day stage of the process, you can request a written explanation. You should make this request within six weeks of the date of the letter informing you that you have not been successful. We will aim to respond to your request within 20 working days.

### **Medical examination**

You may be asked to undergo a medical examination before taking up appointment.

### **Complaints procedure**

If you are dissatisfied with any aspect of the way your application has been handled, please refer to the JAC's published complaints procedure, which is available from our website, or in writing on request.

### **Further information**

For further information about the selection process and the requirements of the CRA please consult our website [www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk)

# CONTACTS AND FURTHER INFORMATION

## Obtaining an application form

All the information about applying for this selection exercise is available at [www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk)

Please contact the Judicial Appointments Applications Service (JAAS) team at the JAC if you wish to request a hard copy of the Application Form or Information Pack, or if you have any questions about submitting your application.

If you need the form and/or pack in a different format, for example Braille, please also contact the JAAS team.

## Submitting your application

Once completed, your Application Form should be submitted via our secure online process by going to [www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk) and selecting 'Submit your Application'.

## Acknowledgement of your application

When you submit your application by our secure online application process you will receive an immediate acknowledgement. You may also request an auto generated e-mail confirming successful receipt.

If you choose to submit your application by post, you should receive an acknowledgement of your application within five working days of receipt.

**If you do not, please contact the JAAS team by telephone or e-mail.**

## Contact details

### 1. JAAS

**Reference:** 00454 (Please use this reference on all communications)

Judicial Appointments Commission  
3<sup>rd</sup> Floor, Steel House  
11 Tothill Street  
London  
SW1H 9LH

DX 149822 WESTMINSTER 6

**E-mail:** [jaas@jac.gsi.gov.uk](mailto:jaas@jac.gsi.gov.uk)

**Telephone:** 0203 334 0123

### 2. Selection Exercise Team:

Assistant Director:

Sue Jones-Owen 0203 334 0303

E-mail: [sue.jones-owen@jac.gsi.gov.uk](mailto:sue.jones-owen@jac.gsi.gov.uk)

Deputy Selection Exercise Manager:

Hannah Lyon 0203 334 0316

Email: hannah.lyon@jac.gsi.gov.uk

**Fax:** 0203 334 0134

3. Director:

Jane Andrews 0203 334 0508

# JAC NOMINATED REFEREES

The JAC may also request references from those categories listed below.

## Judicial referees

If you sit on a Tribunal, the Tribunal President or equivalent.

If you hold another judicial office, please contact the JAC so that we can consider who should be nominated as your judicial referee.

## Professional referee

If you are employed, your line manager or equivalent.

If you are in a partnership, another member of that partnership.

If you are self-employed, a Member or Fellow of the Royal College of Psychiatrists who is familiar with your work.

# JAC COMMISSIONERS

## **Chairman of the JAC**

Baroness Usha Prashar CBE

## **Members**

Mrs Justice Jill Black DBE

Dame Lorna Boreland-Kelly DBE

Professor Dame Hazel Genn DBE QC

Lady Justice Heather Hallett DBE

Sir Geoffrey Inkin OBE

Her Honour Judge Frances Kirkham

Mr Edward Nally

Ms Sara Nathan OBE

District Judge Charles Newman

His Honour Judge David Pearl

Mr Francis Plowden

Ms Harriet Spicer

Mr Jonathan Sumption OBE QC

Lord Justice Roger Toulson