

Nature of the Role of the Medically Qualified (Consultant) Member

Medical Specialist

As a Medically Qualified (Specialist) Member (MQM) of the Appeal Tribunal you will sit as one of a two or three member tribunal to decide on the following issues:

Industrial Injuries Disablement Benefit (IIDB). This is a Social security benefit paid to those who are ill or disabled as a consequence of an industrial accident or disease. The issues to be decided may include the extent to which an appellant is disabled on a scale up to 100%, as a result of the industrial injury or disease. Some cases also involve disputes as to diagnosis of industrial chest diseases, skin diseases, hearing loss and stress associated with other injuries or disease.

Compensation Recovery (CR) Appeals concern disputes by insurers as to which, and the amount of, benefit payments made and /or hospital and ambulance charges are incurred, in consequence of injuries, for which compensation is paid in the civil courts.

The initial decision on these issues is made by the Department for Communities (DfC) staff and that decision is appealable to the Appeal Tribunal, an independent judicial body.

In IIDB the Tribunal usually consists of 3 members; a Legally Qualified Member (LQM), and two Medically Qualified (Specialist) Members. Where possible the MQMs will have expertise in the disablement or disease which is at issue. The appellant is automatically given an opportunity to provide consent to the release of his/her Hospital and GP notes and records which are, when available, then considered by the Tribunal on the day of the hearing. With the consent of the appellant the MQM will conduct a medical assessment of the appellant at the tribunal hearing venue. The MQM will assist the LQM in making a record of the evidence by completing details of the medical examination and any medical findings. That assessment will be considered by the tribunal in reaching a decision.

In CR appeals the tribunal constitution will be a LQM and one MQM. The role of the MQM is essentially the same as in IIDB appeals however no medical examination is carried out. The plaintiffs rarely attend and the dispute is between the insurer and DfC.

In each tribunal session there will usually be 3 individual appeals listed. Around two weeks in advance of the hearing you will receive a package of documents which sets out the claim made by the person appealing, the decision made by the department, the appellant's appeal and the department's response to that appeal. These documents will require reading prior to attending the hearing. This preparation usually takes at least one to one and a half hours and often considerably more. On the day of the hearing the tribunal will discuss these papers together with any additional evidence received and will view the Hospital and GP records if available. A high proportion of appellants attend the tribunal in person or with a representative. The LQM controls the proceedings and will discuss with the MQM the areas of

questioning that each member will deal with. It is normally, but not exclusively, the practice that the MQM is asked to lead the questioning on the medical conditions affecting the claimant. This may involve asking the appellant for information on personal health issues which requires sensitivity and excellent communication and interpersonal skills.

The role of the MQM involves the application of medical knowledge in a purely judicial way to weigh up evidence and arrive at a fair decision. The MQM must have a sound broad medical knowledge and the ability to explain to the other members of the tribunal any medical matters about which they are uncertain. On the day of the tribunal the MQM will examine any additional medical evidence which might include Hospital and GP records and highlight all relevant details to the other members. Overall the MQM will use their area of expertise to assist the tribunal in assessing the level of disability and its application to the legislative provisions regarding entitlement to benefit. All members of the tribunal have an equal contribution to the decision making process.

Tribunal sessions last half a day, starting at 9:45am and 1:45pm and for this type of appeal are currently held in either Belfast or Omagh. Members are asked to be flexible about where they are prepared to sit. The Appeals Service (TAS) provides administrative support to the tribunal. TAS will send out a monthly calendar, working at least two months in advance, to canvass availability. While a minimum commitment of 7 sessions is required there is some flexibility around this and is subject to the workload received. On occasions you may be asked at short notice if you can fill in for a colleague who has had to cancel however, there is no pressure to do so.

Full training is provided by the President of Tribunals with ongoing updates. Training is by way of lectures and group discussion designed to improve knowledge of and application of the legislation. Attendance at training is compulsory.

**Office of the President of Appeal Tribunals
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