

Medical Member Appeal Tribunals

Dr Edgar Lees MB, MRCP

Dr Lees is a serving medical judicial member on the Appeal Tribunals, he was first appointed in April 1992.

What attracted you to this post?

I have always believed that it is a good thing for a full-time GP to have a professional interest outside the practice to help prevent burnout and to allow contact with other professionals.

I had in the past worked as a part-time ENT surgeon carrying out simple procedures such as tonsillectomy and adenoidectomy but when the opportunity came to join the Appeals Service as a medical member I was delighted to apply. The role requires no clinical examination but involves the application of my clinical knowledge, in a purely judicial way, to weigh up evidence and arrive at a fair decision. This has presented me with a new and interesting challenge.

Initially, I was appointed to sit on Disability Living Allowance Tribunals (DLATs) which consist of a legal chair, a lay member with experience of disability and a doctor. Each member has an equal vote on all decisions and majority decisions can be recorded. New legislation was introduced in 1991 and it has been rewarding to be part of the judicial team helping to shape the evolution of its application. Seeing how the law develops and expands has been both educative and instructive. Trying to hone my skills as part of an interrogative appeals tribunal has sharpened my thinking and has improved the way I approach clinical problems in practice.

I also acted as a medical assessor on the old Incapacity Tribunals - a role I found frustrating as I had no input into the decision making. However, I was delighted when the Incapacity tribunals were restructured to consist of a legal chair and a medical member which meant that my role became similar to that on the DLATs where I assumed responsibility for establishing the medical facts of the case and having a vote on the outcome. The new Employment Support Allowance legislation has allowed me to continue and develop that role.

What is the role of the medical member?

A medical member 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 a medical member will examine any additional medical evidence which might include full GP records and highlight all relevant details to the other members.

What is a typical day like?

Sessions last half a day, starting at 9:45 am and 1:45pm. In each session there will be two or three cases to be heard depending on the complexity of the cases. Papers detailing the appellant's application, the department's submission and some medical evidence arrive two weeks before the hearing. Preparation involves reading the papers in advance and making relevant notes (including what additional evidence I would like to have before me on the day). Preparation for a full day of tribunals usually takes between two to two and a half hours. As sessions are held

in various centres across Northern Ireland it sometimes requires an early start in order to arrive in time. However members have the right to decide to which centres they are prepared to travel.

How much support do you have?

Support and training is very good with regular teaching sessions which involve both lectures and group discussion designed to improve knowledge of and application of the legislation.

What is the most challenging aspect of your work?

For me the hardest part was honing my questioning skills to avoid being overly verbose or allowing the appellants to digress too far from the salient details!

Is the role conducive to a good work/life balance?

Availability sheets for each month are issued approximately two months in advance, so it is possible to plan for that work/life balance. Being occasionally flexible enough to fill in for the rare cancellation is appreciated by the administrative staff but there is never any pressure on me to do more than I want to.

Would you recommend a judicial medical role to other medical professionals?

I enjoy immensely working for the Appeal Tribunals and have found my fellow panellists to be a friendly and likeable group of people. Likewise all members of the administration team have always been incredibly good natured and helpful. I would heartily recommend the job to any of my medical colleagues looking for a professional interest outside their practice.