

Nature of the Role of the Medically Qualified Member

Medical Generalist

As a Medically Qualified Member (MQM) of the Appeal Tribunal you will sit as one of a two or three member tribunal to decide on entitlement to some or all of the following Social Security benefits:

Personal Independence Payment (PIP), a new benefit introduced in June 2016 to replace the existing Social Security benefit Disability Living Allowance (DLA), for those people who are of working age;

DLA or Attendance Allowance (AA) for those who are under age 16 or are aged 65 or older;

Employment and Support Allowance (ESA) for those of working age but are too sick to work.

The initial decision on entitlement to these benefits is made by the Department for Communities' staff and that decision is appealable to the Appeal Tribunal, an independent judicial body.

With PIP, DLA and AA appeals, the Tribunal consists of 3 members - a Legally Qualified Member (LQM), a Medically Qualified Member (MQM) and a Disability Qualified Member (DQM). In ESA appeals the MQM will sit with a LQM.

In PIP, DLA and AA appeals the appellant is automatically given an opportunity to provide consent to the release of his/her GP notes and records which are, when available, then considered by the Tribunal on the day of the hearing. On occasions these are also available when dealing with ESA appeals.

Initially MQMs will be trained in PIP appeals only.

In each half day 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 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 other members 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 requires no clinical examination but 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 full 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 deciding 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 are held in various centres across Northern Ireland; members do have the right to decide to which centres they are prepared to travel. The Appeals Service (TAS) provide 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 24 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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