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COURTS AND
TRIBUNALS JUDICIARY

Fee-paid Service Members of the First-tier Tribunal, War Pensions and Armed Forces Compensation Chamber

Job Description

Purpose of Office:

The purpose of the office is to participate as a member of the Tribunal hearings by providing specific expertise in service matters both during the hearing itself and in the subsequent decision-making process. The Service Member can also make a valuable contribution in assessing credibility. Judicial office holders must swear the judicial oath (or affirm) that they “will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second Her Heirs and Successors according to law” and “will well and truly serve our Sovereign Lady Queen Elizabeth the Second in the Office of a Judge of the First-tier Tribunal and [I] will do right to all manner of people after the laws and usages of this Realm without fear or favour, affection or ill will”.

Jurisdiction:

The WPAFCC hears appeals against decisions from the Secretary of State for Defence in relation to War Pensions and Armed Forces Compensation Schemes. The Tribunal is a wholly independent judicial body covering England & Wales (Scotland and Northern Ireland have their own Tribunals).

The Tribunal has been in existence since the War Pensions Act 1919.

The War Pensions Scheme started in 1918 and continues in respect of injuries that occurred before 5 April 2005. For injuries after 5 April 2005 a new Scheme, the Armed Forces Compensation Scheme applies.

Please refer to this link on the Ministry of Justice website for further information about the chamber: <http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/war-pensions-and-armed-forces-compensation/index.htm>

The Tribunal deals with Appeals under both Schemes. The Tribunal determines the following:

The War Pensions Scheme (Service Pensions Order 2006)

- whether applicants are entitled to a disablement Pension;
- the percentage at which the War Pensions Agency makes an assessment of disablement;
- whether there is entitlement to other associated/supplementary allowances e.g. for mobility needs/ widows.

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The Armed Forces Compensation Scheme

- whether applicants are entitled to an award;
- the amount of the award under the application of the tariff based scheme to the injury.

Types of appeal:

Miscellaneous

In a supplementary allowance appeal, the main question is whether the conditions needed for a supplementary allowance have been met. The Tribunal can also decide on the rate awarded for a supplementary allowance.

There are rights of appeal against various other decisions made by SPVA such as commencing date of awards, changes in rates, withholding of pension or recoveries of pension etc. For example, the Tribunal could be asked if the commencing date of an award of a war pension was correct.

Mercantile Mariners and Civilians

There are similar rights of appeal against entitlement, assessment and supplementary allowance for claimants to war disablement pension for mercantile mariners and civilians.

Armed Forces Compensation Scheme

The AFCS is a scheme which applies to injuries occurring or worsening on or after 5 April 2005. Appeals under the AFCS are usually against SPVA's decision to reject a claim or against the allocation of the injury to a tariff.

MAIN ACTIVITIES

The main activities of a Service Member are:

Preparing for hearing and case management

- Reading and assimilating the papers in advance of the hearing in order to identify the key issues in the case. This particularly includes examining the patient's relevant Service records, medical notes and other evidence in the case papers.
- Meeting the other panel members of the Tribunal immediately before the hearing for pre-hearing discussions of the issues and evidence.
- Providing specialist assistance in service-related matters to other panel members of the Tribunal and advising on matters which may require further direction at the hearing.
- Conducting themselves in such manner that all parties, many of whom are not represented, are able to present their cases fully and have them considered fairly.
- Helping to promote in each case the most expeditious dispatch of business compatible with the interests of justice.
- Taking an active part in the hearing by demonstrating conversancy with the key facts and issues, asking questions of appellants and witnesses, taking adequate notes, minimizing stress by avoiding unnecessary formality and maintaining impartiality throughout.
- Participating fully in the tribunal's deliberation after the hearing has concluded, being able to convey arguments clearly and contributing to the drafting of the decision written by the Tribunal judge.

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- A Tribunal member is also expected to be IT-literate and to make the fullest use possible of electronic means of research and communication.

OTHER RESPONSIBILITIES

- Attending training courses and meetings of Members of the Tribunal as and when required, keeping up to date with current procedures and practices.
- Participating in the Appraisal process as directed by the Chamber President.

REQUIRED EXPERIENCE

It is recognised that a Service Member will have experience primarily in only one of the services. However, he/she will be hearing cases which involve all of the various branches of the Armed Forces, some from the World War II era. A willingness to conduct appropriate research and consultation is therefore required to ensure that the Tribunal is properly advised.

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