

Subject: Freedom of Information request (amended) Auto forwarded by a Rule

Good afternoon,

Could I please amend my request made under the Freedom of Information Act 2000 on February 14 to the following:

1) The total amount of compensation paid out to claimants applying for compensation relating to any industrial diseases in connection with the National Coal Board/the British Coal Corporation in each year since claims began

2) If the DECC holds one or more documents detailing the individual sums paid out to claimants between 2010 and the present, could I please have a copy

3) The total number of successful claimants for all industrial diseases in connection with the National Coal Board/the British Coal Corporation

4) The total number of successful claimants under the British Coal Respiratory Disease Litigation Chronic Obstructive Pulmonary Disease Compensation Scheme

Many thanks,

Department of Energy & Climate Change
3 Whitehall Place,
London SW1A 2AW
www.decc.gov.uk

BY EMAIL

8 March 2012

Dear _____

Freedom Of Information Request 12/0259

Thank you for your email of 16 February 2012 in which you request information under the Freedom Of Information Act 2000 relating to claims for compensation made against the former British Coal Corporation/National Coal Board. This request was an amendment to your original request sent to _____ of DECC's Legal Department on 14 February 2012 which itself was a follow-up to your original request concerning legal costs which was answered by _____ on 3 February 2012.

Your latest questions from your 16 February 2012 email and our responses to them are as follows:

1) *The total amount of compensation paid out to claimants applying for compensation relating to any industrial diseases in connection with the National Coal Board/the British Coal Corporation in each year since claims began*

Under the Coal Industry Act 1994 the Government assumed direct responsibility from January 1998 for the liabilities of the former British Coal Corporation. DECC only holds information relating to claims paid from that date. Prior to that date claims were administered by the Corporation and the data relating to those periods may be in their Annual Reports which were public documents.

The total amount paid in compensation for the period January 1999 to March 2011 (the latest financial year) was approximately £4.8bn. This includes:

- approximately £2.4bn in damages and Compensation Recovery Unit (CRU) repayments under the Chronic Obstructive Pulmonary Disease (COPD) scheme;
- approximately £1.8bn in damages and CRU repayments under the Vibration White Finger (VWF) scheme;

- £36m under the Coal Industry Pneumoconiosis Scheme (CIPCS) and other payments for miscellaneous diseases and minor benefits that we cannot provide in a detailed disaggregated form.

We are able to provide a detailed year by year breakdown for the two main compensation schemes (VWF and COPD). These details can be found at:

http://www.decc.gov.uk/en/content/cms/statistics/coal_health/coal_health.aspx

2) ***If the DECC holds one or more documents detailing the individual sums paid out to claimants between 2010 and the present, could I please have a copy***

We do not hold a document containing these details. There have been approximately 2000 claims and we estimate the costs of providing the information would exceed the cost limit of £600 provided under Section 12 of the Freedom of Information Act. This represents the estimated cost of spending 3.5 working days: (i) determining whether the department holds the information, and (ii) locating, retrieving and extracting the information. The Act provides that we are not obliged to comply with requests where the estimated cost of complying would exceed this limit.

However, details of the range of damages payments made under the COPD and VWF schemes are available in the statistics published on the DECC website.

3) ***The total number of successful claimants for all industrial diseases in connection with the National Coal Board/the British Coal Corporation***

The total number of claims settled in the period 1 January 1998 to 31 January 2012 is approximately 738,700. This figure will include some claims that were not 'successful' (i.e. no compensation was paid). It is important to note that changes to the methods of statistical reporting of claims and changes in contractors over the 14 year period of Government responsibility has meant that, in collating the information for this request, we have not always been able to separate claims that were settled by payment from those that where liability was denied or the claim withdrawn.

However, in the cases of the COPD and VWF schemes the total does include only the claims settled by payment (see the answer to (4) below). It also includes the c33,500 successful claims for Noise Induced Hearing Loss which is the other major area of compensation dealt with by DECC arising from the British Coal health liabilities.

4) ***The total number of successful claimants under the British Coal Respiratory Disease Litigation Chronic Obstructive Pulmonary Disease Compensation Scheme***

Approximately 590,000 claims were received by the COPD scheme by the close of the claims register in March 2004. The total number of successful claims securing compensation under the scheme was 456,630. In addition the VWF scheme, where c170,000 claims were registered, had 133,211 claims settled by payment of damages. Tables of statistics relating to these two schemes are now available on the DECC website at:

http://www.decc.gov.uk/en/content/cms/statistics/coal_health/coal_health.aspx

For more information about the Department's conduct of the COPD and VWF schemes you may wish to read the National Audit Office report into the schemes which can be found on their website at: http://www.nao.org.uk/publications/0607/coal_health_compensation.aspx

Appeals Procedure

I hope that, because I have largely complied with your request, you are satisfied with this reply. If not, then you may request an internal review within two calendar months of the date of this letter. If you wish to do this, please contact the Information Rights Unit (foi@decc.gsi.gov.uk) who will arrange an internal review of your case. If, you are not content with the outcome of the internal review you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Wycliffe House,
Water Lane,
Wilmslow, Cheshire
SK9 5AF.

Yours sincerely,