



Ministry of Defence

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London SW1A 2HB
United Kingdom

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Our Reference: FOI-2014/ [REDACTED]

[REDACTED]

Email to: [REDACTED]

12 June 2014

Dear [REDACTED],

Thank you for your email dated 22 May in which you requested the following information:

As a Freedom of Information request: Can you please provide me with Minutes, details and transcripts of meetings between Ministry of Defence officials and Armed Forces Ministers, and representatives of the British Nuclear Tests Veterans Associations (BNTVA). According to Hansard there have been "several meetings" between the two parties since 2007.

I am treating your correspondence as a request for information under the Freedom of Information (FOI) Act 2000.

From our records we have identified the following meetings between Ministry of Defence (MOD) Officials and Armed Forces Ministers, and representatives of the BNTVA that we believe fall within the scope of your request.

29 October 2008 – Meeting between Kevan Jones MP, John Baron MP, Ian Gibson MP, John Lowe, Jeff Liddiatt and Doug Hern (BNTVA) and MOD officials.

20 April 2009 - Meeting between Kevan Jones MP, John Baron MP, Ian Gibson MP, John Lowe and Jeff Liddiatt (BNTVA) and MOD officials.

4 July 2012 – Andrew Robathan MP, John Baron MP, Jeff Liddiatt and Nigel Heaps (BNTVA) and MOD officials.

Please find attached to this letter at Annex A, a record of the meeting held on 29 October 2008. At Annex B an email note of the topics discussed at the meeting on 20 April 2009. At Annex C an email note of the topics discussed at the meeting on 4 July 2012.

Please note that under Section 40 of the Freedom of Information Act, the names and contact details of MOD personnel below the Senior Civil Service have been removed from the attached documents, as this constitutes personal information which is exempt from publication under FOI.

We have also identified a reference to a meeting on 23 July 2008, but we have been unable to identify any minutes or notes relating to that meeting.

I hope the above information will be helpful to you.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1st Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.

Yours sincerely,

(Original Signed)
Defence Personnel Secretariat

SP/05.10.01.03.03

6 November 2008

USofS Private Office

Meeting with Nuclear Test Veterans 29 October – letter to John Lowe, Chairman of the British Nuclear Test Veterans Association (BNTVA)

1. I attach a draft letter which USofS may wish to send to John Lowe, Chairman of the British Nuclear Test Veterans Association (BNTVA) following a meeting hosted by USofS on Wednesday 29 October 2008. Also in attendance were executive members of the BNTVA and John Baron MP and Ian Gibson MP. The purpose of this letter is to provide clarity on the points agreed during the meeting. Aside from courtesy, this letter is necessary because the agreed actions of a previous meeting between Minister's predecessor and the BNTVA have been contested.

2. The BNTVA represents those veterans of the UK Atmospheric Testing Programme (NTVs) which took place in Australia and the Pacific during the 1950s and 1960s who consider their health was damaged by participation in the tests.

█
VPU Legacy Health 2
7.H.15
█ MB

Draft Letter From USofS to John Lowe, Chairman BNTVA

It was a pleasure to meet with you and your BNTVA colleagues on 29 October. I believe this was a useful opportunity to talk frankly about the issues that are clearly of concern to Nuclear Test Veterans. I am grateful also for the presence of John Baron and Dr Ian Gibson. I certainly found our dialogue constructive and I hope you did too. For the sake of clarity, I thought I would take this opportunity to set out what was agreed.

On the subject of Tribunals – I agreed that Dr Anne Braidwood, the MOD's Service Personnel Policy medical adviser, would look at any cases where you felt that there had been inconsistencies in the way individuals had been treated. That said, as we all know, I have to work within the 'art of the possible'. As I explained at our meeting, I cannot overturn any decisions made by a Pensions Appeal Tribunal. But I did note that if there are generic issues or procedural problems coming out of these cases then these could be addressed. If necessary, I will meet with the Ministry of Justice to discuss this matter. I understand that you need to do some work on collating these cases (and obtaining the necessary express permissions from the individuals concerned) and that you will then submit these to Dr Braidwood in the next couple of months.

Turning to the Rowland cytogenetic study of a small group of New Zealand Nuclear Test Veterans, I was pleased that everyone in the meeting was generally in agreement with me that there is no point replicating this piece of research in the UK. The Rowland report is already on the table and any new work is not anticipated to tell us anything further about any possible link between participation in nuclear tests and subsequent ill-health.

The final part of our discussion focussed on your interest in a study looking at the health of Nuclear Test Veterans' children and grandchildren. This follows Dr Chris Busby's report published on his website but not in a peer reviewed mainstream scientific journal. We agreed that looking at male reproductive effects, whether they be miscarriages, children born with congenital disability or childhood cancers is very difficult, especially where we are interested in events of many years ago. As with Dr Busby's study there are challenges with regard to study design, recruitment of a representative sample and suitable controls, and in finding medically verified documented outcomes. To be useful any such study must have the confidence of all concerned. To that end, my officials will take expert advice on study design, methodology, numbers, likely time course etc. I am happy that the BNTVA is involved in that process. Once we have that expert advice I would hope to make a decision on the way ahead before Christmas. We also agreed that a review of the global published peer-reviewed scientific literature to date would be a useful preliminary to avoid duplication of previous work.

I hope you agree that this is an accurate summary of the work arising from our meeting, although I do of course welcome any comments.

From: [REDACTED]
Sent: 30 April 2009 20:57
To: SPPol Med-D (Braidwood, Anne Dr)
Subject: FW: 20090420 USofS meeting with BNTVA APS/USofS MST10/11
Importance: High

I know you asked to see any further notes I made on the meeting with the BNTVA. I have no intention of repeating what you have already sent to the TSOL team but I had agreed to highlight some of the context of the discussion. I would of course welcome your comments as I have no notes on this and a relying on my memory of the conversations.

Grateful if you could send me any comments or if you have none then pass to the lawyers.

Many thanks

[REDACTED]

The meeting started with the Minister explaining that he would be issuing a Written Ministerial Statement (WMS) the next day and that this would set out the future research the MOD would be undertaking. The Minister explained that he was determined that health needs of Veterans be addressed and that this research would help MOD in ensuring that the NHS was delivering.

The BNTVA and MP were shown a copy of the draft statement and asked if they agreed with it. They asked if the MOD would include them in a working group to refine the research questions – which we would need to do before the tendering process. MOD agreed and asked in return if the BNTVA would assist in identifying the people – which they were happy to do.

At this point Anne gave a detailed explanation of what a Health Needs Analysis is and what it will generate – she also emphasised what it will not and clearly stated it does not show cause. This point was reiterated by the MP more than once and the BNTVA stated that they understood it would not show cause but they were more interested in ensuring that they were receiving treatment needed and finding gaps in the service.

The BNTVA asked how the findings of the Health Needs Analysis would be taken forward. I explained that last year a Cross Government commitment had been made in the Service Personnel Command paper to ensure that Service personnel and their families were not disadvantaged by their service. I gave the example of Service families moving and losing their place on NHS waiting list previously – now their place should transfer with them to a new location. I emphasised that this was not just health but areas like access to council housing on leaving the Services was also covered. To deliver this commitment the MOD has regular meetings with Other Government Departments at all levels and if this study identified areas where veterans health were not addressed then this gave MOD the evidence to drive the NHS to deliver.

The Minister left at this stage and there was a brief discussion of Media handling for the announcement the next day – focused on what MOD would say and when they could release the WMS to their web site and send to members.

[REDACTED]
USofS - APS1
MB05.B.09 [REDACTED] MB
020 7218 [REDACTED]
[REDACTED]

From: Min(DPWV)-PS
Sent: 06 July 2012 17:35
To: DBR-CLCP Hd; DCDS PERS-PCV-SNR MED ADVISER; DCDS PERS-PCV-AFC AHD; DCDS PERS-PCV-AFC POL 5
Cc: DBR-D; PUS-Private Office; SofS-Private Office; Min(AF)-Private Office; USofS-Private Office; DCDS PERS-DCDS-MA; DCDS PERS-PCV-PEN COMP VETS HD; DCDS PERS-SPOO-D SP POL; DCDS PERS-SPOO-ACDS DS SEC; SPVA-CE MA; DCDS PERS-SEC-SEC AHD; SPVA-Sec AH; DMC-News CPO Personnel
Subject: 20120706-BNTVA-PSMINDPWV-U

4/7/4

6 July 2012

BRITISH NUCLEAR TEST VETERANS MEETING – 4 JULY 2012

The Minister was grateful for the briefing you provided in preparation for his meeting with John Baron MP, and Nigel Heaps and Jeff Liddiatt of the BNTVA on Wednesday 4 July. They were accompanied by Benjamin Yates from Mr Baron's office. [REDACTED] and Anne Braidwood attended the meeting.

Mr Baron and the BNTVA made the following points:

- Applications from Nuclear Test Veterans (NTVs) under the War Pensions Scheme, which mentioned presence at the Nuclear Tests, had a 90% rejection rate (the said they had some 1800 files on veterans who had applied for a pension, of whom only 30 had been successful, 25 of them at appeal). Applications which merely mentioned service in the Pacific were far more likely to succeed;
- The BNTVA was focussed on gaining recognition for Veterans (preferably from the Prime Minister), not compensation. Their service was unique as they had witnessed nuclear detonations. This had led to many years of anxiety due to the physical and mental harm endured by themselves and their children;
- However, they were seeking ex gratia payments for the survivors (estimated to be some 3500) at a cost of some £8500 each. The UK was 'a poor relation' internationally with regard to the amount of financial compensation given to NTVs date, even amongst countries, such as Canada, which had free health care. Ex gratia payments should not come from the MOD budget, but from savings elsewhere in Government (the DFID budget was mentioned).

In response the Minister made the following points:

- Any serviceman, such as NTVs, who did his duty deserved recognition and support. Many former servicemen who had not served at the nuclear tests would also claim that their service was unique;
- He was not aware of any bias against NTVs in the War Pensions Scheme. He had already provided a list of cancers for which, where there was evidence of service-related ionising radiation exposure, award of a war pension would be considered. However, it was also the case that, just because someone was ill, it was not necessarily a result of their service (although, under the terms of the War Pensions Scheme, the MOD needed to prove that illness was not due to service, so the odds were stacked in the Veterans' favour). However, if the BNTVA could provide him with any details to back up their concerns, he would, of course, consider this carefully;
- He was interested to hear that recognition, not compensation, was the key. But he reminded the BNTVA of the recent case which the Veterans had lost at the Supreme Court.

So, while the BNTVA might not be after compensation, many Veterans were (there followed quite a frosty exchange on this point);

- There was no evidence that the children of those who served in the nuclear tests were more likely to be unwell than others;
- However, he did take the point that the NTVs had played an important role in the development of a weapon which had helped maintain world peace. He accepted that some of the NTVs felt aggrieved and under appreciated. He would consider if there was some way in which the Prime Minister could express the country's gratitude for what they had done.

In terms of actions, The Minister would be grateful for a draft letter for No 10 setting out the request for compensation, which the MOD still opposed, and seeing the the Prime Minister would be willing to pay tribute to the NTVs in the Commons (possibly in response to a PMQ from John Baron).

Could I ask for a draft letter by 12 July which I will then discuss with the Secretary of State's office?

[REDACTED]

[REDACTED]

Private Secretary to
The Rt Hon Andrew Robathan MP
Minister for Defence Personnel, Welfare and Veterans
Ministry of Defence
5.B.08
MOD Main Building
Horseguards Avenue
London SW1A 2HB

[REDACTED]

Please send all correspondence and submissions to Min(DPVV)-Private Office [REDACTED]