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Dear 

Thank you for your letter of 28 August 2015 requesting the following information:

“Please confirm the number of Armed Forces Compensation Scheme (AFCS) awards of £570,000 which have been made since the maximum award under the scheme was increased to £570,000 on 15th December 2008.

Of those awards, please confirm how many were given:-

1. At first instance; and
2. Upon reconsideration; and
3. Upon appeal to Tribunal.”

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

A search for the information has now been completed within the Ministry of Defence, and I can confirm that information in scope of your request is held. Some of the information falls entirely within the scope of the absolute exemptions provided for at Section 40 (Personal Data) of the FOIA and has been withheld.

Section 40(2) has been applied to some of the information in order to protect personal information as governed by the Data Protection Act 1998. This is also in line with Defence Statistics rounding policy, in which numbers fewer than five are suppressed in order to reduce the possible inadvertent disclosure of individual identities. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

There have been **80** Service Personnel awarded under the Armed Forces Compensation Scheme as at 31 March 2015 (the latest data available) since the maximum award was increased to £570,000 on 15th December 2008. Of those:

- **35** were awarded with their initial claim.
- **40** were awarded following the Lord Boyce Review.
- **Fewer than five** were awarded following a reconsideration.
- **Fewer than five** were awarded following an appeal.

Under Section 16 (Advice and Assistance) you may find it helpful to note the following:

The AFCS came into force on 6 April 2005 to pay compensation for injury, illness or death attributable to Service that occurred on or after that date. It replaced the previous compensation arrangements provided by the War Pensions Scheme (WPS) and the attributable elements of the Armed Forces and Reserve Forces Pensions Scheme.

A biannual Official Statistic provides summary statistics on claims and awards made under the Armed Forces Compensation Scheme, paying compensation for injury, illness or death caused by Service. This is published on the Gov.UK website:

<https://www.gov.uk/government/collections/armed-forces-compensation-scheme-statistics-index>.

The latest version of the report was released on 4 June 2015.

In 2010 a review of the AFCS was conducted under the independent chairmanship of former Chief of Defence Staff, Admiral the Lord Boyce. The Review found the Scheme was fundamentally sound but required adjustment in some areas. A full summary of the Review can be found at: <https://www.gov.uk/pensions-and-compensation-for-veterans#review-of-the-armed-forces-compensation-scheme>. As a result of changes recommended by the Review, Veterans UK carried out an exercise to revisit previous awards and make additional payments.

If a claimant is not satisfied with the outcome of their claim they may ask for a reconsideration. Where the claimant has asked for a reconsideration only, they must provide written reasons why they disagree with the decision. The request must be received within three months from the date of notification of the outcome of the original claim.

If a claimant disagrees with the Veterans UK decision about their claim an appeal can be made to an independent tribunal, the Pensions Appeal Tribunal (PAT). This process is managed by the Ministry of Justice. Individuals have one year from the initial decision date to make an appeal. The tribunal may agree or disagree with the initial decision. Once the decision of the tribunal is received, any further appeal can be made within six weeks.

Under the AFCS, compensation payments include a tariff-based tax free lump sum for pain and suffering associated with the injury or illness, the size of which reflects the severity of the injury or illness. There are 15 tariff levels with associated lump sums. For more serious injuries, in addition to the lump sum, a tax-free index-linked income stream known as the Guaranteed Income Payment (GIP) is paid from service termination for life to recognise loss of future earnings due to the injury or illness. Under the AFCS, a claim can be made and awarded while still in Service.

Please note that £570,000 is the maximum payment that can be received regardless of the amount awarded (i.e Service personnel can be awarded multiple lump sums for multiple conditions totalling over £570,000 but will only receive £570,000 in such instances).

Figures provided are sourced from data stored on the Compensation and Pensions System (CAPS) and finance data managed by Veterans UK.

In line with Defence Statistics' Rounding Policy for AFCS data, all figures of five or more have been rounded to the nearest 5 and figures fewer than five have been suppressed. Due to rounding, the figures provided may not sum to totals.

Would you like to be added to our contact list, so that we can inform you about updates to our statistical publications covering Armed Forces Compensation statistics and consult you if we are thinking of making changes? You can subscribe to updates by emailing: DefStrat-Stat-Health-PQ-FOI@mod.uk.

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, <https://ico.org.uk/>.

Yours sincerely,

Defence Statistics (Health) Head (B1)