



Ministry of Defence

Ministry of Defence
Main Building
Whitehall
London SW1A 2HB
United Kingdom

Our Reference: [REDACTED]

[REDACTED]
[REDACTED]
Dear [REDACTED],

Thank you for your e-mail to the Ministry of Defence (MOD) dated [REDACTED] in which you requested the following information:

1. What is the interaction between AFCS and WPS? Is there any legislation/policy covering overlap between the two?
2. Are there any recommended timelines for dealing with AFCS claims?
3. Are there any statistics/KPIs measuring Veterans-UK performance?

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

A search for the information has now been completed within the MOD, and I can confirm that the MOD does hold some information within the scope of your request. The answers below address your questions in turn.

1. There is no interaction between the Armed Forces Compensation Scheme (AFCS) and War Pension Scheme (WPS) and no legislation or policy overlap between the two. However each scheme contains rules which prevent an award being made under one scheme when an award for the same injury has already been made under the other scheme.

a) AFCS

The AFCS provides compensation for injury, illness or death caused by service in the UK Armed Forces on or after 6 April 2005. The Scheme applies equally to Regular and Reserve forces. The AFCS is a no-fault scheme, and is therefore different from awards for damages paid through the courts.

Legislation

The Scheme rules are set out in legislation in The Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, and the Scheme is administered by DBS Veterans UK.

b) WPS

The WPS provides no fault compensation to former service personnel and their dependants for injuries and death as a result of service before 6 April 2005.

Legislation

The Scheme rules are set out in legislation in The Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, and the Scheme is administered by DBS Veterans UK.

The Armed Forces Compensation Order and Service Pension Order can be found at the following link: <http://www.infolaw.co.uk/mod/afcsandspo.htm>

2. There are no recommended timelines for dealing with AFCS claims, with the exception of interim awards. Interim awards are made where:
 - a) Medical prognosis is uncertain at the time the claim was made (i.e. maximum recovery has not yet been achieved)
 - b) The underlying cause is mental health issues and the claimant has not completed a full treatment programme

Interim awards can be set for a period of up to 2 years at which point they must be reviewed to see if maximum recovery has been achieved, if this is the case the award is made final and the claimant notified of the outcome and their appeal rights. However if maximum recovery has not been achieved, a further interim review period can be applied for a further period of up to 2 years, at which point the award should be finalised and the claimant notified of the outcome and their appeal rights. This makes a maximum period of 4 years from the date the original interim award decision was made.

3. Clearance times for AFCS are published in the Defence Strategy Statistics (DSS) (Health) report Annex A published on the .gov.uk website. It can be found at the following link:

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/481563/20151106 - AFCS Annex A - O-20151202.xlsx](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/481563/20151106_-_AFCS_Annex_A_-_O-20151202.xlsx)

Please note that DSS refer to a Median Average Clearance Time (ACT) in their published reports. Figure 1 contains all the information regarding Injury/Illness claims processing times. The latest DSS report is due to be published in June and will report on the full year from April 2015 to March 2016.

The current KPI target for AFCS Injury/Illness claims is a Mean ACT of 90 Working Days.

For FY 2015/16 the ACT achievement was 57.3 working days.

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.org.uk>.

Yours sincerely,

Defence People

