



Ministry of Defence

DBS/SEC/FOI/ [REDACTED]

09876

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24 November 2017

Dear [REDACTED],

Thank you for your emails of 11 and 16 October to the Ministry of Defence (MOD) requesting information on the Armed Forces Compensation Scheme (AFCS). I am treating your emails as requests for information under the Freedom of Information Act 2000 (FOIA). I am sorry for the delay in responding to your request.

You asked for the following information, which I have listed, using their MOD designated FOI number:

FOI2017/09873

- "1. Does the MOD/Veterans UK recognise that Post Traumatic Stress can be a Permanent Mental Disorder?"*
- 2. If yes, how many individuals have been awarded an AFCS GIP for a Permanent Mental Disorder where the primary diagnosis is PTSD in the last three years.*
- 3. If no, on what specific research is the MOD/Veterans UK position supported by? (ie which published guideline)"*

FOI2017/09874

- "1. With regard to DBS Medical Services and support for the Armed Forces Compensation Scheme:
 - a. How many Consultant Psychiatrists / Consultant Psychologists are employed as full-time employees?"**

FOI2017/09875

- "1. With regard to DBS Medical Services:
 - a. How many Medical Advisers are employed by DBS Medical Services?*
 - b. How many of these Medical Advisers support the implementation of the AFCS?*
 - c. Please provide information on the rank/grade/qualification of all DBS Medical Advisers? (ie General Practitioners, Surgeons, Clerical Staff etc)."**

FOI2017/09876

"1. With regard to DBS Medical Services:

a. What organisational oversight is routinely conducted with regards DBS Medical Advisers and the quality of advice they offer to Veterans UK with regards the AFCS? (ie are all AFCS case files processed by DBS Medical Advisers subjected to a second opinion, ie is a sample of work analysed on a weekly/monthly/quarterly basis?)

b. How many Consultant Psychiatrists / Consultant Psychologists are employed as part-time employees?

b. How many Consultant Psychiatrists / Consultant Psychologists are employed as locums?"

FOI2017/10004

"1. With reference to the implementation of the Armed Forces Compensation Act by the MOD and Veterans UK:

a. With regard to AFCS Interim Awards for Mental Disorders, what specific medical guidance/research/publications does Veterans UK use in order to support the justification for awarding an Interim Award on the grounds that "once removed from the military environment, improvement could reasonably be expected"?"

A search for the information has now been completed within MOD, and I can confirm that some information in scope of your request is held. I have responded to your request in the FOI reference number order, however some answers have been grouped as the information covers all the questions for that reference number.

FOI2017/09873 and FOI2017/10004

Answer to FOI2017/09873 and FOI2017/10004: Some of the information falls entirely within the scope of the absolute exemptions provided for at Section 21 (Information Accessible by Other Means) of the FOIA. Section 21 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

I can advise you that the MOD does recognise that Post Traumatic Stress (PTSD) can be a permanent Mental Disorder. The highest award descriptors and tariffs in Table 3 of the AFCS legislation refer to permanent mental health Disorders and they can be found in *Table 3 – Mental-Disorders of Schedule 3 -The Tariff And Supplementary Awards To Part 1 Descriptors, Tariff Levels And Amounts - "The Tariff" of The Armed Forces and Reserve Forces Compensation Scheme Order 2011*, the full amended version of which can be found at:

<http://www.infolaw.co.uk/mod/docs/AFCS-2016-05-31.pdf>

The issue of permanence is also addressed in the *Synopsis of Causation - Post-Traumatic Stress Disorder*, which can be found on the Gov.UK website at:

<https://www.gov.uk/government/publications/synopsis-of-causation-post-traumatic-stress-disorder>

I direct you to the publications of a non-departmental body, the Independent Medical Expert Group (IMEG). This was set up following the Boyce review to advise Ministers on medical and scientific aspects of the AFCS, to date they have produced three reports. The second 2013 report and the fourth 2017 report, which is due to be published shortly, both contain comment on mental health disorders. They can be found on the Gov.UK website at:

<https://www.gov.uk/government/publications?departments%5B%5D=independent-medical-expert-group>

I would also refer you to the answer you received, dated 16 June 2017, from Defence People, (Ref: FOI2017/05632). Veterans UK decision makers and Medical Advisers (MAs) are routinely informed of legislative amendments and policy changes and these issues will, as required, be the subject of adjudication guidance.

In response to the question, '*how many individuals have been awarded an AFCS GIP for a Permanent Mental Disorder where the primary diagnosis is PTSD in the last three years?*',

I can confirm that MOD holds the information on the subject you have requested. However, I have to advise you that we will not be able to answer your request without exceeding the appropriate limit.

From 1 April 2014 to 31 March 2017, there were 87 individuals who initially claimed PTSD and whose primary diagnosis was PTSD. However, to locate, retrieve and extract information on Guaranteed Income Payments (GIP) from the paper files would take approximately 20 minutes per case, which is 1,740 minutes, or 29 hours, which at £25 per hour is £725 worth of staff effort. This would not include interim awards.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the department holds the information, and locating, retrieving and extracting it.

Under Section 16 of the Act (Advice and Assistance), you may find it helpful to note that information on PTSD claims is published in the annual Armed Forces Compensation Scheme Statistics which can be found at the Gov.uk website at:

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

FOI2017/09874

Answer to FOI2017/09874: No Consultant Psychiatrists or Consultant Psychologists are employed as full-time employees of Veterans UK. In determining cases of PTSD for the purposes of AFCS, the role of Veterans UK Medical Advisers (MA) in the AFCS is to advise on claims and appeals. We are committed to impartial evidence based case determinations, which reflect case specific medical and service facts, contemporary medical understanding of the causes of disorders and their likely progress and prognosis in an optimum treated state following an adequate course of best practice treatment. All Medical Advisers are licensed doctors trained in medico-legal determinations and in military no fault compensation legislation. Prior to joining Veterans UK, they have had a successful period or career in clinical practice, preferably in a speciality relevant to Defence. The majority have been in General Practice.

MAs have no role in the clinical management of claimants nor on their examination but for evaluation of the evidence they do rely on the reports and findings of treating clinical staff such as consultant psychiatrists and psychologists. It is important to understand that treating clinicians by definition support and act as advocates for patients and in circumstances where they might not hold the same view as the patient there could be compromise of the therapeutic relationship. They are also unlikely to be familiar with precise legislative requirements.

FOI2017/09875

Answer to FOI2017/09875: Within Veterans UK, 19 MAs are employed, 13 of whom are currently trained in assessing AFCS claims.

The information you have requested, on the qualifications of Medical Advisers, falls entirely within the scope of the absolute exemption provided for in Section 40 (Personal Data) of the FOIA and has been withheld.

Section 40(2) has been applied in order to protect personal information as governed by the Data Protection Act 1998. 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.

I can confirm that all the MAs working for Veterans UK hold the Ministry of Defence civilian Grade 6.

FOI2017/09876

Answer to FOI2017/09876: MAs are subject to the Civil Service annual performance appraisal review. In terms of professional standing, they are appraised annually in every aspect of their medical work and in line with General Medical Council Good Medical Practice. The results of these appraisals, conducted annually by a doctor who is not part of the management chain, inform revalidation, which takes place every five years.

Revalidation is the process by which all licensed doctors are required to demonstrate on a regular basis that they are up to date and fit to practise in their chosen field and able to provide a good level of care.

MA's also take part in regular Continuing Professional Development including discussions, presentations, and casework lessons learned. These all form the basis of feedback, clarification of guidance and review of topics.

As part of the Continuous Quality Improvement culture, a selection of cases is subject to monthly peer review and a sample of these is then audited by Chief of Defence Personnel's (CDP) Medical Adviser. CDP's Medical Adviser also regularly reviews appeal tribunal outcomes and other sources such as Ministerial Correspondence, Treat Official and letters from the Head of Veterans UK. In addition, all AFCS claims can be appealed to the independent First Tier Tribunal, at which a full statement of case describing the basis of decisions and their evidence base is a key document. Both claimants and the MOD have a right of appeal to an Upper Tier Tribunal on a point of law. No Consultant Psychiatrists or Consultant Psychologists are employed as part time employees or locums.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Defence Business Services