



Ministry
of Defence

Defence Business Services
Secretariat Team Drafter
Room 6303
Tomlinson House
Norcross
Thornton Cleveleys
Lancashire
FY5 3WP

REF: FOI2018/00134

E-mail: DBSRES-Secretariat@mod.uk

26 January 2018

Dear [REDACTED]

Thank you for your email of 3 January 2018 requesting the following information:

- “ 1. Is there a right of appeal to a Tribunal against an AFCS commencement date decision by Veterans UK? Please provide any written internal policy, guidance or training materials in relation to this issue.*
- 2. Please provide the template letter informing an AFCS claimant of commencement date, including any template text on rights of appeal in relation to the commencement date.*
- 3. Please provide the number of commencement date decisions made under the AFCS, and how many of the claimants impacted by those decisions were offered appeal rights in relation to the commencement date, and how many were not.*
- 4. Please provide details of any commencement date appeals to the Tribunal, including copies (or the public location) of all rulings in any AFCS commencement date appeals.”*

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 some information is held. There is no right of appeal against the date an award becomes payable under the Armed Forces Compensation Scheme. Regulation 3 of the Pension Appeal Tribunals (Armed Forces and Reserve Forces Compensation Scheme) (Rights of Appeal) Regulations 2005 does not include the date an award becomes payable as a specified decision. Therefore there is no right of appeal. There is no template letter in relation to the commencing date. There have been no appeal rulings in relation to dates awards become payable under the Armed Forces Compensation Scheme.

Under Section 16 of the Act (Advice and Assistance) you may find it helpful to note the following link which provides details of the legislation in regard to regulation 3 referred to above.

<https://www.legislation.gov.uk/uksi/2005/1029/regulation/3/made>

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.gov.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/>.

Yours sincerely,



Defence Business Services (Secretariat)